1897-040 Chancery Causes: W. D. Jones vs. Jasper Collier &c
Lee Co.

folder 1 of 2

Scott, Chance, Peterson, Carter, Thompson, Edens, Kane, Wiseley, Wade, Legg

Suit includes 2 Plats

Oversize Box 1:
- 1 Plat
- Deed
- Land grant

CA-Contract Dispute
T-Property

To the Honorable H. S. K. Morrison Judge of the Circuit Court of Lee County Virginia

Your Orator W. D. Jones a Citizen of the City of Philadelphia Pensylvania, Humbly complaining Showeth unto Your Honor that he is the owner in fee Simple of Two certain tracts of land Situate in the Counties of Lee and Scott in the State of Virginia, Lying in Wild Cat Valley and on the north side of Powells Mountain, adjoining the lands of Nelson Lunsford, The Virginia Iron & Coal Co & others, One of said tracts contains 330 acres more or less the other 90 acres more or less, for a more definite description of said land reference is here made to the deed of conveyance executed to Your Orator by I. P. Kane a copy of said deed will be filed as a part of this bill "Marked Ex A" on or before the hearing of this cause. Your Orator will further State unto Your Honor that the said I. P. Kane from whom he purchased said land is the Son and one of the heirs at law of the late Henry S. Kane deceased and inherited said land from his father, who had held possession of said land under legal title for more than 20

his death which occurred in June 1876
& during all this time he had renters
and tenants upon the same. Since that
time it has been in the possession of the
said D. P. Kane or his legal representatives
who had legal & actual possession
of the same until he sold & conveyed
it to your Orator,

Your Orator will further state
unto Your Honor that in the last few
week Jasper Collier & Jaho Collier who
are citizens of Lee County have gone
upon said lands of your orator, or that
portion of it lying in said county of
without any authority from your
Orator, or any one else having any
Legal or Equitable title or claim to
said land, and cut felled and sawed
into saw logs a large and valuable
lot of poplar timber belonging to your
Orator. and as he is informed believes
& so charges have contracted & sold or
pretended to sell said logs so cut to one
James Scott. a citizen of said county of Lee
and that he & the said Colliers are now
removing or making preperation to remove
and dispose of said timber, and have been
endeavoring to sell the same [illegible] if

permitted to do so would do your Orator irreparable damages, Your Orator is further informed & believes that the aforesaid Collins have now cut and estimated by the said Scott something over 42000 feet, and still cutting more of Your Orators timber. or having it done, Your Orator will here state that he is informed so charges & believes that the said Jas Scott had knowledge that said timber did not belong to the said Collins & that the said timber was claimed by & belonged to your Orator,

The amount of timber now cut & sawn into Saw Stocks as aforesaid is worth the just & full sum of $250.00 And that by reason of said Trespass against the property of your orator in the destruction of his timber & other damage to said real estate he is damaged the further sum of $100.00 both of which sums he believes to be just & due him by reason of the wrongs aforesaid,

Your Orator will further state that he is informed believes & charges that the said Collins are poor men with but little property that according to the ordinary process of law no debt

cured be collected off of either of them.
Your Orator further charges that the
said Colliers are committing great
waste in thus cutting and removing
his timber, and unless restrained
by Your Honor Your Orator
will suffer great & irreparable injury
That said Colliers are cutting said
timber without any authority whatever
& for the purpose of fraudulently injuring
Your Orator and that the said
James Scott as he is informed &
believes is aiding them in so doing.
& as he is informed and believes
has allready been trying to sell
said timber to Wolfe & Clay & thus
cause a loss upon innocent men
& will probably do so unless restrained
by Your Honors writ of Injunction
Your Orator being without adequate
remedy at common law. he is advised
that a court of Equity will protect
his rights and afford ~~its~~ relief to
stay waste & irreparable injury
The premises considered the prayer of
Your Orator is that the said Jasper
Collier John Collier Jr and James Scott
be made defendants to this bill that

be required to answer the same fully and truly - That they and each of them and all other persons be enjoined & restrained by writ of Injunction from selling removing or in any way interfering with said said saw logs until the further order of this Court, that a receiver be appointed to take charge of said logs - that the said Jasper Collier John Collier Jr and James Scott be perpetually enjoined from further ~~trespassing~~ committing waste on said land - that upon a final hearing of this cause Your Honor decree that said logs be turned over & delivered to Your Orator - and that Judgement be rendered against all the said defendants for all damages sustained by Your Orators by reason of the wrongs & injuries sustained by the act of said defendants as aforesaid And if in anything Your Orator has missed his remedy he prays for general relief - May the Commonwealths writ of Sha issue directed &c

Pettus & Holdway & Ewing - P.Q.

Lee County Va

This day S. P. Kane agent of M. D. Jones appeared in person before me John A. G. Hyatt Clerk of the Circuit Court of said County & State and made oath that the matters in the foregoing bill stated as of his own knowledge are true & those stated upon information of others he believes to be true

Given under my hand this the 15th day of Feby 1888.

J. A. G. Hyatt C. C.

Hyatt 6
Pine 1.55
$ 24.46
McC 1.42
Scott C. 5.85
Gibson 4.55
Coins Court 20.00
Lurey 48.00
Lefro. 8.50
Murray C 3.00
A 15.00 Reddy Co.
$127.78
Murray C. 2.48 Aug 1891.
Steff Wade .50
$130.76

Hyatt C. 24.46
Mc 1.42
Scott C. 5.85
Gibson " 4.55
Coins Court 20.00
~~Lu~~ 48.00
$ 8.28
Murray C 25
Lefro
Estimate

Left Court
To June 1893. Ct. C. 1.12
~~$15.00~~

To the Honorable W.T.Miller, Judge of the Circuit Court of Lee county, Virginia:

Humbly complaining, your petitioner, James C.Scott, will respectfully show to your honor that he bought from W.J.Collier and others a lot of poplar timber standing upon a tract of land situated in the Wild cat Valley in Lee County; that after cutting said timber an injunction was granted restraining and inhibiting him from removing or selling said timber. Afterwards a decree was rendered in this honorable court appointing Wm.P.Duff receiver and directing to sell the said timber. This duty was performed by said receiver. said timber sold, purchased by your respondent, and bond executed for the price thereof. Said sale was duly reported by said receiver to this honorable court, all of which will more fully appear by reference to the chancery cause of Wm.D.Jones vs. W.J.Collier et als. still pending in this honorable court.

Your petitioner will now show your honor that the grounds of said injunction were that the said W.D.Jones claimed to be the owner of a certain tract of land situated in the Wild Cat Valley from which he averred respondent was cutting and removing said timber.

Your petitioner will now show your honor that all of the timber cut by him and taken charge of by said receiver was not located upon nor taken from the tract of land so claimed by the said Jones. This fact was well known both to your petitioner and the said receiver. And by agreement between them all of said timber was sold by said receiver and purchased by your petitioner, it being then the opinion of your petitioner and his attorneys that said injunction would be dissolved. And it was the further agreement between your petitioner and the said Duff receiver that in the event said injunction was not dissolved and said Jones established his title to said land and timber, that then your petitioner was to have credit on said notes for the value of the timber that come from lands not claimed by the said Jones. There was about as near as peitioner

can ascertain ~~eighteen thousand~~ 14,746 feet of said logs, the whole amount whi ch the said Duff received and sold being ~~fifty-four thousand~~ 44240 feet. And this timber coming from land not claimed by Jones being as nearly as petitioner can ascertain one thind ~~THEX~~ thereof.

Petitioner will now show our honor that the said W.P.Duff, resigned his receivership, and G.C.Jessee was appointed receiver in hi s stead. Afterwards the said G.C.Jessee instituted his suit i n this honorable court and on the law side thereof, and obtained judgment against this respondent for the full amount of said claim, including the sum for petitioners ~~15,760~~ 14,746 feet of lumber aforesaid. Petitioner states that at the time said judgment was rendered in favor of said receiver that he had entirely forgotten said matter, and neglected to put in said sum as an offset to said demand.. The price which petitioner agred to pay said Duff for said logs was, as he remembers, $3.50 per thousand feet. His prayer is to be allowed a credit on said judgment for the sum of $51.61 the value of said ~~15,760~~ 14,746 feet of his lumber sold by the said Duff as receiver, which he is advised may be done in this suit, and if this cannot be done, then he prays that this petition may be treated as a bill praying ani i n j unction restraining and inhibiting the said G.C.Jessee, Recei ver, from collecting one third of $154.84, with interest thereon from the _____day of February 1889, and for full ~~xxxxxx~~ general relief .

Petitioner files herewith the affidavit of W. J.Collier showing the amount of timber to which Jones is not entitled whih wen t into the hands of the said Duff as receiver and was sols by hi m as aforesaid, marked "W.J.H."

L C Scott

Sworn to before me this the 13th day of November 1895.

A B Murray Clerk

J. C. Chance, Exr.

vs } Petition of
} J. C. Scott.

W. J. Collier et als

Filed in open Court
and by leave thereof
November the 13th 1895 -
A B Munsey Clerk

To the Honorable H. S. K. Morison
Judge of the Circuit Court of Lee Co Va

The separate answer and demurrer of W. Jasper Collier to a bill exhibited in this Honorable Court against him and others by W. D. Jones.

This respondent says the complainants bill is not sufficient in law to call upon him to answer in this Honorable Court but that there is good cause of demurrer thereto and he does accordingly demur and he prays judgment of this Honorable Court of his said demurrer.

And not waiving his said demurrer but relying and insisting thereon, should any and further answer be required he answers and says. That he supposes it is true that the said William D Jones purchased from the said J. P. Stone two tracts of land, but of this he has no personal knowledge and requires strict and full proof of said sale & purchase Nor does your orator know where said tracts of land said to contain 330 acres are situated or claimed to be situated. It is true that the said Henry S Stone in his lifetime was the owner of a tract of land said to contain 95 acres lying and being in the wild cat valley in said County

the same being the lower end of what is known in the neighborhood as the old John Pendleton farm. This last tract of land adjoins the lands of your orator and his father and Codefendant John Collier. in fact said Pendleton tract of land was divided your orator and his father getting the upper end from Alexander Wilson and Same getting his from William Doran, who had got it from Benjamin Wilson But your orator denies that said tract of land, or the 330 acre tract or either one of them cover the land of your orator or his father or either of them or any part thereof. he further denies that said Henry Skaire or his heirs or any of them or any person claiming for him has ever had or held possession of said tracts of land owned by your orator or his said father he further denies that said Jones or any one for him ever had possession of said lands or any part thereof.

Your orator admits that it is true that he has been cutting timber some days &c but he cut them on his own lands and the lands of his father. lands for which he has good and sufficient deeds and

lands that have been in possession of himself and his father for 20 years or more, that the possession of said lands have been held adversely to Kane for more than 50 years. And so far as your orator knows or ever heard the said Henry S Kane in his lifetime never set up any claim to any part of the land from which your orator has cut or removed timber, or to any land claimed by your orator or his father and the said Kane had full knowledge that said lands were claimed owned and held adversely to him. Your orator supposes he cut and had cut on said land as he lawfully might do some 50 or more trees, but he positively denies that said trees or any of them belonged to the said Jones or the said Kane under whom he claims or that they or either of them have any title either legal or equitable thereto, 70 acres of this land owned by your orator and his father ~~and~~ from which a part of said timber was cut was conveyed to your orators father by Dale & Legg by deed dated on the 20th day of November 1874, and 99¼ acres upon which the residue of said timber was cut was conveyed to him by MB D Lane been in the chancery court of

Jahue Collier vs Russell Leggo heirs & others. by deed bearing date on the 15 day of May 1871. all of which will fully appears by reference to said two deeds copies of which are here filed marked "A B." & "A C" and from that date down to the present these lands have been held owned and occupied by your orator and his father they have paid the lawfully assessed taxes on them they have held them openly notoriously and exclusively and their right to the same has never been disputed so far as your orator is informed by any one until now. So far as your orator or his father being poor men if that has anything to do with this suit they will plead guilty in this that they are not Millionaires but they have always understood that law was made and courts instituted for the protection of the poor as well as the rich but while they admit that they are not as rich as Jones or Slave they are very well able to pay anything that said parties will ever obtain judgement for if they never assert a juster claim than the one here asserted.

respondent has again denying that he has cut or removed or in anyway trespassed upon or committed any waste upon said complainants land and has effectually denying each and every allegation not herein admitted. He prays to be hence dismissed with his costs.

W Jasper Collier

By C. T. Duncan his atty.

Virginia — Lee County, to wit:-

This day W. Jasper Collier personally appeared before me in my County aforesaid and made oath in due form that the statements in the foregoing answer so far as made on his own knowledge are true and so far as made on information derived from others he believes them to be true, Given under my hand this 5th March 1888

J. A. L. Hyatt C.C.

W. Jasper Collier
ads
W. D. Jones

Filed at March
Rules 1888.
J. A. Hyatt cc

To the Hon. W. T. Miller Judge of the Circuit Court of Lee County Virginia.

The demurrer and answer of J. C. Chance Executor of W. D. Jones deceased, to a petition filed by J. C. Scott in the Chancery cause of said Chance Executor &c against Jasper Collier, John Collier & said J. C. Scott pending in your honor's Court.

Respondent says that the said petition is not sufficient in law, but should any other or further answer be necessary answering he says, it is true that the injunction suit mentioned in said petition was instituted and the injunction granted as in said petition mentioned against petitioner and said Colliers, but it is not true, as we gather the facts from the record, and proceedings in said chancery cause, that all of the logs, sold by G. C. Duff, Receiver in said cause were not taken and cut from the land claimed by the plaintiff in said cause, and it is not true that the petitioner purchased all of the logs sold by said Receiver, See said Receiver's reports, By reference to the said reports of said Receiver No 1 & 2, it will be seen that petitioner purchased $154.24 worth of said logs, paid one third in cash and gave his bond for the residue with James P. Barron, J. C. Olinger & John Gilley as sureties. Afterwards said Receiver collected this money from petitioner and resigned and settled his account

and G. C. Jessee was appointed Receiver in said cause, and Mr Jessee as such Receiver afterwards, on Aug 3rd 1891, loaned $200.00, part of the fund of $324.48 received by him from said Duff, to petitioner and took his note therefor with J. C. Olinger & J. W. Scott security all of which will appear by reference to the reports of said Receivers in said cause, and during all this time we see nothing in said cause of any claim by said Scott to any of said fund, and there is no answer by said Scott in said Chancery cause claiming anything on account of said logs, or interest therein but upon the contrary he suffers a decree to go against him, by default, perpetuating the injunction against him and the other defendants as to said logs, and for costs, all of which will more fully and at large appear by reference to the record and proceedings in said cause to which reference is here made. And after all this the said G. C. Jessee, Receiver, instituted suit upon said $200.00 note in your honor's court on the 5th day of May 1894, and said Scott appeared thereto and made defense, and on account of his defense the cause was continued until at the March term 1895, when a Judgment was rendered against the defendants for the amount of said note and costs, and during the

pendency & trial of this cause no such offset or defense as is mentioned in said petition was attempted to be set up, See said Law Cause. And respondent is advised and alleges that said petitioner is now estoped from making any defense to said judgment or setting up against the same the claim or offset in his said petition mentioned which he has had so many opportunities of asserting, but has never done until now. Respondent looking to the record in said Chancery for his information, denies that said Receiver Duff ever made any agreement with said Scott that he should have any part of the proceeds of said logs, but if he did the same was improperly and illegally made, and if made the said Scott never having asserted such claim when it was his duty to speak is estoped now from so doing.

And now having fully answered your respondent prays to be hence dismissed with reasonable costs.

James W Orr, p.d.

412.58
172.01
240.57

.50
13.24
.60
3.00
.50
17.34

J. C. Chance Executor &c
vs
Answer
J. C. Scott an petition
Filed in open Court
Nov 14th 1895.

J. C. Chance Executor of Wm D Jones dec'd, Plff
against
Jasper Collier et als Defts
} In Chancery.

This cause came on again to be heard, upon the papers formerly read in the cause, and the report of G. C. Jessee, Receiver, filed in the cause May 23rd 1898 to which there are no exceptions, and was argued by Counsel. On consideration thereof, it is adjudged, ordered and decreed that said report, and the action of said Receiver, therein reported, be and are hereby confirmed, and approved. And said Receiver is discharged from further duty as receiver in said cause. ~~And nothing further remaining to be done in this cause the same is stricken from the docket.~~

And it is further adjudged, ordered and decreed that the plaintiff J. C. Chance, Executor of Wm D Jones deceased, recover against the defendants Jasper Collier, John Collier Jr, and James C Scott the costs of this suit.

And nothing further remaining to be done in this cause, the same is stricken from the docket.

J. C. Chance Ex &c.
vs } Decree Final
Jesper Collier & als.

Enter this decree
June 1897.

J. C. Chance Exr. &c

v.

Jasper Collier et al

Decree.

This cause came on this day to be again heard upon the papers heretofore read in the cause, the Report of Wm. P. Duffy Receiver of this Court in this cause filed April 1st 1889 and his second report filed September 1st 1891, the report of L. M. Carmichael Surveyor filed October 16th 1893, and the report of Special Commissioner A. M. Goins filed in this cause January 1st 1894 ~~to which each report of~~ Special Commissioner Goins the defendants excepted, which exception is endorsed on the said report, and was argued by Counsel: On Consideration whereof and for reasons appearing to the Court the said exception in and the other report being unexcepted to are confirmed. Over-ruled; It is therefore adjudged ordered and decreed that the injunction heretofore granted in this cause be and the same is perpetuated, and the defendants and each of them are hereby forever enjoined and restrained from selling, cutting or removing

any timber from the 160 acres of land or either of them in this cause and proceedings mentioned, that George E. Jessen Receiver of this Court in this cause be required and is ordered to pay to the plaintiff or his attorney any and all moneys which have come into his hands as Receiver, and will collect any and all debts due to him as such Receiver and make a report of his action to the next term of this Court; that the plaintiff recover of the defendants his costs in this cause by him expended, and the cause is continued.

John Thomas Sutton
v.
Jasper Collier et al

Decree for costs
vs Jasper Collier
John Collier Jr.
James Scott.

Entered this
1st day of Nov.
1894.

Book 18/94.

E 00 18 Page 569
Nov 10th 1894

J. C. Chance Ex &c Pl'ff
vs } In Chancery.
Jasper Collier et als. Deft's

This cause came on again to be heard upon the papers formerly read in the cause and was argued by Counsel. On consideration thereof and W. S. Mathews suggesting that it would be improper for him, as Commissioner, to make the enquiry directed at the last term, it is ordered that he be relieved from so doing, and that A. M. Gains be and is hereby appointed a Commissioner whose duty it is made to make the enquiry and perform the duties required of said Mathews at the last term, And he will report his action to the Court at its next term, and L. M. Carmical, County Survey of this County, will go on and perform the duty assigned him in the order at last term, and report his action to the Court at its next term. And the cause is continued.

J. C. Chance Ex. &c.

vs } Order

Jasper Collier et als

Entered on O. B.
Page 484.
June 8. 1893

J. A. G. Hyatt C

Enter this Order.
H. L. K. M.
June 8th 1893.

J. C. Chance Executor &c Plff
against } In Chancery
Jacob Lee & ors et als Defts

This cause came on again to be further heard upon the papers formerly read in the cause, and was argued by Counsel. On consideration thereof, and for reasons appearing to the Court, it is adjudged, ordered and decreed that W. S. Matthews, who is appointed a Commissioner for the purpose, do ascertain and report to this Court what title, if any, the plaintiff and the defendant have to the land in controversy in this cause, and that L. M. Carmichael, County Surveyor of this County, lay down by protraction on his plat heretofore filed in the cause, the lands embraced in the declaration in ejectment by H. S. Kane against Russell W. Legg dated January 1st 1857, and a copy of which was filed in the cause Feb 27th 1872. ~~Which date~~ Cause is continued.

Entered on the
Chancery Orderbook
March 4th 1893.
page 469.
J. A. G. Hyatt
Clerk.

enter this decree
H. S. Lane
Jan 14th 1893

W.D.Jones Plaintiff

Vs. In Chancery

W.J.Collier et als Defendants

This cause came on again this day to be hesrd on the papers formerly read the report of L.M.CArmical County Surveyor of said County and exceptions thereto and was argued by counsel, on consideration whereof and it appearing to the Court that said exceptions ~~are well taken they are sustained, and~~ should be considered further they are therefore continued & it appearing the said Carmical is ordered to ~~make~~ amend his report as to respond to the former decree entered in this cause in this that he will report whether or not the tract of land claimed by the defendants iswithin the calls of the declaration in ejectment of Henry S. Kane vs Dale C. Legg et als Said Carmical will do any other surveying required by any of the parties and will report his action to the next term of this Court But before proceeding to discharge the duties herein imposed he will give the parties or their Attorneys notice of the time of his sitting and this cause is continued

W.D.Jones

Vs Decree

vsW.J.Collier et als

Enter this decree

H. L. Kom

Clerk

August the 4th 1891

Enid page 350.
Co Book No 3
Sept 3. 1891

Wm. D. Jones
vs.
Jasper Collier et al } Decree.

Upon the calling of this cause this day it was made known to the court that the defendant had not been summoned to show cause if any he could why this suit should not be revived in the name of J. C. Chance executor of Wm. D. Jones deceased, whereupon by ~~agreement of parties~~ consent of C. T. Duncan attorney for the defendant, this suit is hereby revived in the name of J. C. Chance Executor of Wm. D. Jones deceased and in whose name ~~this suit~~ is ordered to be prosecuted in to a final hearing, and ~~this cause is continued~~ by consent leave is granted to either party to retake the deposition of Dale C Legg or to cross examine him on the deposition all ready given by him in said cause. and the cause is continued.

Wm. S. Jones
vs. Decree
Jasper Collier et al

Entered Book O.B.
page 302. Dec 3d 1890.
J. Als Hyatt

Entered
14.2.10m.

Dec 3/90.

Wm. D. Jones.

vs. Chancery

Jasper Collier et al

Upon the calling of this cause, it being suggested that since the last term of this court the Complainant has departed this life, it is ordered that the defendants be summoned to appear here on the first day of the next term of this court to show cause if any he can why this bill shall not be revived in the name of J. C. Chance executor of W. D. Jones deceased and the cause be proceeded in to a final determination. To which time the cause is continued.

Wm. D. Jones -
v. Deem -
Jasper Collins et al

Sept. 2 day 1890
Entered Clay
O.B. 4 page 276
J. Alex Hyatt C

Remitter in name
of Chance Ex.

Enter this
H. D. Mu
Sept 2 / 90

Wm D. Jones -

vs - Decree -

Jasper Collier et al

This cause came on this day to be heard, upon the bill, the answers, the exhibits, the depositions of witnesses and argument of counsel. And the court being of opinion that ~~the~~ to a proper decision of this cause, there should be a survey of the lands recovered by Henry S. Hane. dec'd, in an action of ejectment vs. Russell W. Legg, Dale C. Legg, and Wm T. Legg to determine whether or not the land in controversy in this suit is covered by the declaration in the said ejectment cause. It is adjudged ordered and decreed that Luther Carmichael County surveyor, be and is hereby directed to survey the land by an attested copy of the said Hane declaration, and will make a plat and report of his survey to the next term of this court. + also to any further surveying with possibly may direct And until the coming in of which report this cause is continued.

Wm. D. Jones
vs — } Decree
Jasper Collier et al

Entered Chy O. 93.
page 263.
April 2nd 1890
J. A. S. Wyatt C

Entered this decree
K. L. K. M.
April 2nd '90

M D Jones Pltff
vs B Lin Chey
Jasper Collin et als Dfts

On motion of the complainant the depositions heretofore taken by him in this cause are suppressed and leave is given him to retake them or such of them as he may desire to take and by agreement of parties it is adjudged ordered and decreed that W. P. Duff who is appointed a receiver for the purpose do take charge of all the Poplar saw logs now cut and lying on the lands claimed by the complainants and defendants in this suit said Receiver will sell said logs for the highest and best price he can obtain he will sell them either publicly or privately as he deems best. said sale shall be made on the following terms to wit. one third cash in hand one third in four months and the residue in Eight months from day of sale and for the deferred payments he will take bonds with good personal security bearing interest from date and payable to himself as receiver. but before proceeding to act said Receiver will execute bond in the penalty of four hundred dollars conditioned according to law.

said receiver will report his action
to the next term of this Court and
the cause is continued

N. B. Jones
v
Jasper Collins et al

Entered Dec 6/1888
Chey O.B. 172
Hyatt C.C.

Copy to C 68
Hyatt C.C.

Entered this
14 S.1 Pm
Dec 6/88

Virginia

At a circuit court continued and held for Lee County at the court house thereof June the 8th 1893

J C Chance Ex rc Pltff
Vs
Jasper Collier et, als Deffts } In Chy

And L M Carmical County surveyor of this County will go and perform the duty assigned him the order at last term, And report his action to the court at its next term, And the cause is continued

A Copy
Teste J. A. G. Hyatt, C. C

J. C. Chance Ext'd
vs } Copy of
Wm J Collier et al } Decree

Executed June the 3/1883
by delivering and
office copy of the
within Decree to
L. M. Carmack

C. E. Flanary S.Z.C.

Fee for Copies 78¢

Virginia:

At a court begun and held for Lee County at the Court-house thereof on Monday the 18th day of June 1860.

Henry S. Kane Pltff.
against } In Ejectment.
Russell W. Dale & Mr. T. Legg Defts.

This day came the plaintiff by his attorney and it appearing by the return of the Sheriff that that the Defendants in possession of the premises hath been duly served with a copy of the conditional order made in this cause, and they not appearing although solemnly called, it is considered by the Court that the plaintiff recover against the defendants the lands, and tenements, with the appurtenances, thereto belonging in the declaration mentioned, Whereupon the Plaintiffs prays a writ to the Sheriff of this county, to be directed, to cause him to have the possession of the lands, and tenements aforesaid, And it further considered by the Court, that the Plaintiff pay the costs of this suit.

A copy

Test John R. Gibson
clerk

Henry S. Kane
vs } Copy Order
Russell W. Legg et al

In Legg suit In
Attachment

Objected to
D & S, for Sft

Virginia

At a Circuit Court Continued and held for Lee County at Jonesville, Septr. 3rd 1891.

J. W. Clance Exr.
Wm. D. Jones deed — Pltff.
vs — In Cha
W. J. Collier et al — Defts.

This cause came on again this day to be heard on the papers formerly read, the report of L. M. Carnical County Surveyor of said County and exceptions thereto and was argued by Counsel On Consideration whereof and it appearing to the court that said exceptions should be considered further, they are therefore continued, and it appearing proper the said Carnical is ordered to amend his report, so as to respond to the former decree entered in this cause, in this that he will report whether or not, the tract of land claimed by the defendants is within the calls of the declaration in Ejectment of Henry L. Krone vs Dale W. Legg et al. Said Carnical will do any other surveying required by any of the parties, and will

report this action, to the next term of this Court. But before proceeding to discharge the duties herein imposed, he will give the parties or their attorneys notice of the time of his sitting, and this Cause is Continued.

A Copy

Teste J. A. G. Hyatt ©

one copy

J. C. Johnson Exr
of W. D. Jones dec'd
vs
Copy of Decree
W. Jasper Collier
Entd Sept 3rd 1871

Executed by
delivering a copy
of this decree to
Lutter Brunson
this Oct 20. 1871
M. E. Flanary
S. S. C.

Fee for copy .75

KNOW ALL MEN BY THESE PRESENTS, That we George W. Jessee and J. K. P. Barron are held and firmly bound unto the Commonwealth of Virginia, in the sum of Seven hundred & fifty dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other than legal-tender currency of United States. Sealed with our seals, and dated 2nd day of September, one thousand eight hundred and Ninety one

The Condition of The Above Obligation is Such, That if the above bound George W. Jessee shall faithfully perform the duties of his office or trust, as Receiver ~~in the chancery cause of J. W. Chance adm'r vs. W. J. Collier under a decree of the Circuit Court of the County of Lee, pronounced on the~~ day of ~~18~~, in the suit therein depending under the name and style of J. W. Chance Exr Plaintiff vs. W. J. Collier Defendant and properly account for all sums of money he may receive as such Receiver

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

G. W. Jessee (SEAL.)

J K P Barron (SEAL.)

(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day J. K. P. Barron surety on the above bond, made oath before me J. A. G. Hyatt, Clerk of the Circuit Court of the County of Lee, that he has estate after the payment of all his just debts, and those for which he is bound as securit for others, and expect to have to pay is worth the sum of one thousand dollars.

Given under my hand this 2 day of Sept 1891.

Teste: J. A. G. Hyatt Clerk.

J. C. Chamberlin
Receiver
vs Bond
W. J. Collier

Filed Sept 2nd 1891.
J. A. C. Hyatte

Virginia

At a circuit Court continued and held for Lee County at the Court house thereof April 2nd 1890.

Wm. D. Jones Pltff
vs
Jasper Collier et al Defts } In Chcy

This Cause came on # # # # and the Court being of opinion, that to a proper decission of this Cause, there should be a Survey of the lands recovered by Henry S. Kane decd, in an action of Ejectment vs Russell W. Legg Dale C. Legg and Wm. T. Legg, to determine whether or not the land in controversy in this suit is covered by the declaration in the said Ejectment Cause. It is adjudged ordered and decreed that Luthar Carnical County Surveyor, be and is hereby directed to Survey the land by an attested Copy of the said Kane declaration, and will make a plat and report of his Survey to the next term of this Court and also do any further Surveying either party may

Wm D. Jones
vs } Copy of Decree
Jasper Colliers et al
Executed
C H Kincaid
D. S.

Fee for Copies 98¢

direct, and notice the counsel in a official report this Cause is continued.

A Copy
Test J. P. Roberts C

J. P. Roberts

Virginia

At a circuit court continued and held for Lee county at the court house thereof on Saturday March the 10th 1894

J. C. Chance Exer &c
vs
Jasper Collier et al } Decree

This cause came on this day to be again heard upon the papers hertofore read in the cause the report of Wm P Duff Reciever of the court in this cause filed april 1st 1889 and his second report filed Sept the 1st 1891 the report of L M Carmical Surveyor filed October the 16th 1893 and the report of Special Commissioner A M Goins filed in this cause January 1st 1894. to which last report of Specail Commissioner Goins the Defendants excepted which exceptions is endorsed on the said report and argued by counsel. on consideration whereof and for reasons appearing to the court the said exceptions overruled and the other report being unexcepted to and conformed. It is therefore adjudged ordered and decreed that the injunction heretofore granted in this cause be and the same is perpetuated and the defendant and each of them are hereby forever enjoined and restrained from selling cutting or removing any timber from the two tracts of land

or either of them in this cause and proceedings mentioned that George C Jesse reciever of this Court in this Cause be required and is ordered to pay to the plaintiff or his attorney any and all moneys which have come to his hands as reciever and will collect any and all debts due to him as such reciever and make report of his action to the next term of this Court that the plaintiff recover of the defendant his costs in this cause by him expended. And the cause is continued

A Copy Teste

A B Munsey Clerk

J. C. Chance Circuit Clerk

vs } Copy of Decree

Jasper Collier et al

To 1st day of June Term

Executed May the 11th 1894 by delivering a copy of the within decree to George C. Jesse. This May the 14th 1894

L. M. Wade D.S. for C. E. Flanary S. L. Co.

To Wm J. Collier & John Collier

TAKE NOTICE, That we on the 29th day of November, 1889, at Ward Mill in Lee County Virginia

will proceed to take the deposition of Thomas Peterson & others

which, when taken, are intended to be read as evidence on our behalf in a certain suit in Chancery now pending in the Circuit Court of Lee county, State of Virginia, in which we are, plaintiffs and you are, defendants.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from time to time, and from place to place, until completed. This October 17, 1889

Very Respectfully,

Wm D. Jones

For Holladay & Ewing attys

W. D. Jones

vs } Notice

Wm J. Collier et al

I accept legal service of this notice this Oct 17/89

C. T. Duncan
for Defts.

1

The depositions of Thomas L. Peterson, Wm H. Carter, Andrew J. Thompson, Jasper Edens and Henry S. Kane the undersigned

Taken before me this the 29th day of November 1882 at Hardin Mill Lee County Virginia pursuant to Notice hereto annexed, which said depositions are intended to be read as evidence in behalf of Wm D. Jones in a certain suit now depending in the Circuit Court of Lee County Virginia in which Wm D Jones is plaintiff and Wm J. & John Collier are defendants.

Present ~~John Richmond~~ Counsel for the plaintiff.

No Witnesses being present for examination, the taking thus deposition is adjourned from this place to the Dwelling House of Thomas L. Peterson in Scott County on Saturday ~~the~~ 30th Inst at 10 o'clk A.M. before Isaac Wisely a Notary Public for ~~Scott~~ County Va.

John Riddle P.

Met pursuant to adjournment at the Dwelling House of Thomas L. Peterson in Scott County, Saturday November 30th 1882.

Isaac Wisely N.P. for Scott County

2

Thomas L. Peterson a witness of lawful age after being first duly sworn deposes and says.

By complainant.

Quest. 1. Please state your age & occupation?

Ans. I am sixty one years old & a farmer

Quest 2. How long have you known the lands in controversy if you know them at all?

A- do answer I do know them, and have known them for about twenty years.

Quest 3. Who has owned them since you have known them and by what act of ownership and by whom?

Ans When I first knew them Henry S Kane now deceased owned them. After his death his Real Estate were divided by Commissioners. And these particular lands in controversy were assigned to A P Kane one of the heirs of the said Henry S Kane deceased

Quest 4. What kind of act of ownership were exercised by Hs Kane in his lifetime?

Ans- I have been upon the premises in person with Henry S Kane deceased, I have collected the rents upon the lands in controversy for Henry S Kane deceased from the 1870 untill the death of Hs Kane deceased & then for and till A P Kane sold said land to Wm D Jones.

question 3. and answer thereto of Thomas L. Peterson is excepted to because title cannot be proved by parol. Neither can assignment to J P Kane be proved in that way

March 28th 1890.

" Drum for Defts

Quest by S. Do you or not know whether these lands are covered by the Johnson, Field, or McCurdy titles, if so state how you became possessed of your knowledge?

Ans- I was along ~~along~~ as Bush chopper for the surveyors- breech- Wolfe.: breech runs by the McBrady title papers and wolfe by the Johnson ~~patent~~ title paper: for sixteen thousand one hundred acres I carried chain when breech runs ~~patent~~ survey or McBrady survey.. And bush chopper for Wolfe when he surveyed by said Johnson title papers. We found some of the corner trees. And I know that this land in controversy upon which the timber was cut lyes within the two surveys aforesaid

Quest 6. If you were on the land when the timber is said to have been cut, please state how much was cut, the quality, kind, about how many feet and the value thereof?

Ans I was on the land after this timber was cut and sawed into saw logs.. It was good popular timber I estimated the saw logs to make seventy thousand feet of lumber: And I valued the lumber at five dollars per thousand feet in the log where it layed

Quest 7- When you saw this timber where it was cut and sawed- Can you or not state according that it was cut on the lands

Question 5 and the answer thereto is excepted to because too indefinite. The witness fails to state which, the Johnson or McCrady surveys covers said land. He also fails to state that either wolf or branch run by the corners of the said Johnson or McCrady patents.

Duncan for Defts

in controversy and included within the Johnson and McCrady survey, as run by Lorach and Wolfe respectively?

Ans. Yes it certainly was inside of these boundaries as run by the said Surveyors.

Quest 8. Please state, if you were one of the Commissioners appointed to divide the land of Henry S. Kane deceased among his heirs?

Ans I was and acted as such.

Quest 9. Who surveyed this land for the Commissioners?

Ans Dra Lorach.

Quest 10. Did or not his assistant Surveyor Crawford?

Ans They did substantially and both of them came to the popular corner which stood a little North west from where the timber in controversy was cut.

Quest 11. To whom was this particular land assigned by the Commissioners?

Ans To A P Kane as one of the Heirs of Henry S. Kane deceased.

And further this deponent saith not.

Thomas L Peterson

question 11 and the answer thereto is excepted to because not the best evidence. The report of the commissioners making partition is the best and only evidence of what was assigned to I P Ham

March 31st 1890.

E. T. Dunsain for Defts

Wm H. Carter another witness for Complainant being first duly sworn deposes and says

Quest 1. Please state age and occupation?

Ans. I am fifty four years old & a farmer.

Quest 2. How long have you known the land where the timber was cut?

answer For at least 30 years

Quest 3. Have you been upon the land since the timber was cut?

Ans I have.

Quest 4. What knowledge have you of this land, if any, how derived?

Ans I was along when Peter Wolfe run these lines by the Johnson and McBrady title papers he got me to show him a corner of the McCrady survey. And I then went along with the surveyor until he passed the lands in controversy to the popular & dogwood which is a corner of the McBrady & Johnson surveys. I have been upon the lands where the timber was cut that is in controversy and I know said land is inside of the McBrady & Johnson surveys

And further this deponent saith not.

William H Carter

4th question and answer in this deposition is objected to because witness does state what lines of the Johnson or McBrady surveys were run by Wolfe nor when or for what purpose said surveying was done. Nor does he state that the surveyor run according to the calls of said survey or either of them. and the report of the surveyor would be the best evidence.

Duncan for Defts

March 28th 1890

Andrew J. Thompson another witness of lawful age after being first duly sworn deposes and says.

Quest 1. How old are you and what is your occupation?

Ans I am fifty four years old & a farmer.

Quest 2. If you are acquainted with the lands in controversy, please state how long you have been acquainted with them, and how you have known them?

Ans-. I have known this land for thirteen years I live on this land for nearly eight years when I first moved there I rented from Henry B Kane deceased. and continued as his tenant until after his death. I then continued as the tenant of his Widow and Heirs for the balance of the time above stated

Quest 3. Was or not the land on which this timber was cut a part of the land you rented from said Kane, his Widow and heirs?

Ans - Yes sir it was cut where I cut my fire wood. rail timber, and board trees. For all the eight years I was there I used rail timber board timber & fire wood off this land. And know one ever claimed it as against Mr Kane his Widow or Heirs. or forbid me use it in any way or at any time. And I used it every year for geting my fire wood board timber & rails when needed

Quest 4. Are you acquainted with Wm. J. Collier one of the defendants in this Suit?

Ans I am.

Quest 5: How long have you known him and where does he live?

Ans I have known him Eighteen years and he lives in site of the house I lived in when I was Kanes tenant. And in sight of this land where this timber was cut, and not more than a half mile distant from either the house in which I lived or the land upon which the timber was cut. I know the said Callier well and was frequently with him. And he must certainly have known that I used this timber off this land for fire wood rails boards &c; And I used a great deal of timber off of this land for making rails to repair the fences around the farm; And I further know that Wm. J. Callier one of the defendants to this Suite made and hauled rails off of this land where this timber was cut to fence an alley past of Kanes land below where I lived that joined me; and where Jaques Cedens now lives. And the two tenements adjoin Each other. I have been upon the land where this timber was cut. and saw it lying there and I know it to be the identical land, that I rented of Kanes and used as there tenant during my term of Eight years as aforesaid.

This deposition is excepted to because witness does not state such circumstances as show an open notorious and continuous possession, The mere resorting to land occasionally for fire wood rail timber &c is not such possession as will ripen into title

Duncan for Deft

And further this deponent
saith not.

Andrew J. Thompson

Jasper Edens another witness of
lawful age after being first duly sworn
deposes and says.

Quest 1. Do you know the land upon
which Wm J. Collier and others cut
some timber and which is claimed
by W. P. Jones and known as the
Kane land. Please state how
long you have known it, and
what acts of ownership you have
exercised over the said land and
in what capacity you acted?

Ans. I do know ~~where~~ the land where it is
said Jasper Leallier & others cut some sawlogs
And I have known this land & lived on it as
a tenant of Kanes for five years, and I have seen
the land where Leallier cut the timber in getting
fire wood & rail timber to fence the farm. I hired
Lehosly Leallier son of Wm J Leallier who resides within
two hundred yards of his father's house to make rails for
me & I showed him where to make the rails. And he
made them upon the identical land upon which this
timber was cut by Leallier. I rented this land of J. E.
Patterson agent of Kanes, and I was never forbidden

The deposition of Joseph Estes is excepted to for the reasons stated in objections to Thompsons deposition

Duncan for Defts

The deposition of Henry S Kane is excepted to because he attempts to prove the assignment of this land to S P Kane. The assignment itself or rather the report of the Commissioners is the best evidence and should be introduced
It is further excepted to because he attempts to prove sales and conveyances to his father by W A Morrison Dept for R McCully & John L. Martin. The deeds themselves if there is such deeds are the best evidence and must be introduce. And witness does not pretend that he ever saw either the Morrison or Martin deed run and until he does so he cant speak of the lands in dispute being a part thereof Witness dont even state that he knows any of the lines of said Morrison and Martin deeds Witness while he states that his father had possession of these land dont tell how.

Duncan for Defts

by any one to cut or use the timber or lands in any way.

And further this deponent sayeth not.

Jas Jno E Dens

Henry S. Kane another witness of lawful age after being first duly sworn deposes and says.

Quest 1. Please state who are the heirs of Henry S. Kane dec'd, and which one of the children got the land on which it is said Wm. J. Callier and others cut some poplar timber. What knowledge you have of this land, the title to the same, and how title was derived and whether or not this land on which the timber was cut is included within the boundary lines of the Johnson and McCandy surveys. Just state all you know about it?

Ans.

Maggie A Kane, Hannah ~~H A Kane~~ Henry S. C. P. + R R Kane

The Land upon which Callier cut the timber was assigned to C P Kane. in the partition of the Real Estate of our Father, Henry S Kane deceased, a portion. This land was purchased by H S Kane deceased of Wm H Morrison V S for Rufus McCullly Right Sheriff of Scott Co. Virginia, and of John S. Morris clerk of Scott County Virginia. This land is a part of the Johnson

Survey of 16100 acres & the McCrady Survey, and lays within the bounds of said surveys, And Henry S Kane deceased had possession of this land while he lived & had tenants upon same And Carole Kane widow of H S Kane deceased and I P. Kane have had tenants upon this land & used and occupied same and had open and notorious possession of same until I P Kane sold said land to Wm D. Jones. I helped to run the line of Johnson & McCrady surveys from a Beech corner on the dry branch to the poplar & dogwood near Woods Mill and this land upon which Callie cut the timber is inside of these surveys...

And further this deponent saith not.

Henry S Kane.

Virginia
Scott County, to wit:

I Isaac Hilly a Notary Public in and for the County of Scott ~~County~~ and State of Va. do certify that the depositions of Thomas L. Peterson, W. H. Carter, Andrew J. Thompson, Jasper Edens and Henry S. Kane were taken before me at the dwelling house of Thomas L. Peterson in Scott County on Saturday ~~on~~ the 30th day of November 1882 between the hours of 10 o'clock A.m. and 4 o'clk P.m. and that the same was taken pursuant to notice hereto attached, and was subscribed by the witnesses and sworn to by them in my presence and the oath administered

by me before the deposition was written, That Mr. Kane was requested by me to write the answers of the witness, which was done under my immediate supervision, Given under my hand this the 30th day of November 1882

Isaac Wisely N.P.

Isaac Wisely N.P. fee	$3.00
W. H. Coates Witness	1.00
A. G. Thompson	1.00
J. L. Peterson	1.00
Jasper Edens	.50
Mr. Kane	2.00 including Mileage.

Wm. S. Jones
vs
Dahon
Wm. J. Collinsworth

Filed Dec. 2nd 1889
J. A. & Hyatt Cl

20 = Thos L Peterson
30 = Wm H Carter
19 = A. J. Thompson
5 = Jasper Eidens
— = Henry S Kane

$8.50

2 / 33.24
16.62
9.82
26.44

The deposition of J. P. Stone taken this day by agreement between the attorneys for the plaintiff and the defendants which are intended to be read as evidence in the chancery cause of Wm D. Jones vs Wm J. Collier in the Circuit Court Lee County, Va, in which the said Wm D. Jones is plaintiff and Wm J. Collier et als are defendants, and which deposition is hereby agreed to be read in the cause by the undersigned.

J B Richmond
atty for W. D. Jones

C. T. Duncan Atty
for Defendants

J. P. Kane a witness of lawful age after being first sworn deposes as follows—

Cross by Atty Counsel.

1. Please state whether or not the land in this controversy is included in what is known as the Taylor & Johnson survey?

Ans It is -

2 Please state in which one of these surveys this land is contained?

Ans- It lays in the John Johnson grant of sixteen thousand and one hundred acres (16100 acres)

X Examined

1 Question by Defendants.

Did you ever see the John Johnson 16,100 acre tract surveyed or run out.

Ans- I saw that portion of the Johnson survey run from a point in Wisley's meadow [which is south of the land in controversy] to a poplar corner east of Wards mill under the North side of Powells mountain which is also a corner of the McCredie survey.

2 Question by same. Is the point in Wisley's meadow the Beginning corner of the John Johnson Survey of 16,100 acres

Ans- No Sir, tis not -

3 Question by same

Is there a marked tree standing

or any other thing to designate said point as a corner. at the point in the lyo meadow from which low said line run.

Ans- There is no tree standing, the corner is gone but the courses and distances carried us to the North-fork of Clinch which is called for in the Johnson grant and the next call carried us to the poplar and dog-wood under the North side of Powells mountain which is a corner of the McBredie survey and also of the Johnson which is called for in the Johnson grant. The poplar ~~corner~~ is cut down but is still lying there and is marked for a corner.

4th Question by same

"You say that the courses and distances carried you to the North fork of Clinch which is called for in the Johnson grant". what courses and distances do you refer to, and where did you begin.

Ans- We commenced at a ~~Colum-~~ corner ~~bot~~ of the McBredie and Johnson

survey near the bank of the dry-branch and run to this point on the North-fork of Blinch in Wisley's meadow. We run by the courses and distances of the Johnson survey to the above named point - and then by the courses and distances as called in said Johnson grant to the poplar and dog-wood heretofore referred to last of Wards mill on North side of Powells mountain -

5 question by same. Was this point on the dry branch, the beginning corner of entire the McCready or the Johnson survey.

ans. No Sir -

6.th question by same. Is this land in dispute claimed by you as a part of the old Pendleton Tract of land

ans - I never saw the Pendleton tract run out, and so I cant say -

7 question You said to Jones the land claimed by him in this suit

did you not.

Ans- Yes Sir -

And further this deponent saith not -

J. P. Hauer

Wm D. Jones -

vs } Deposition

Wm J. Collier et als -

Filed

J. P. Kane

We the undersigned attorneys for W. D. Jones & W. J. Collier, do hereby agree that the deposition of Dale C. Legg, taken before R. S. Stratton, a Justice of the Peace in and for the county of Scott, at the hotel in Clinchport in the said county, on this the 8th day of March 1890, shall be read as evidence in the chancery cause of Wm D. Jones against Wm J. Collier, now depending in the Circuit Court of Lee County, Va, wherein the said Jones is complainant and the said Collier is defendant. Given under our hands this the 8th day of March 1890

Dale C. Legg a witness of lawful age, after being duly sworn, deposes as follows—

Ques 1 By Plfs Counsel
Please state your age and occupation?

Ans I am 75 years old & a farmer

2 Are you acquainted with a certain 100 acre tract of land or entry situated in the wild Cat Valley Lee County Va. once claimed by the Legg heirs of John Legg deceased?

Ans. I am acquainted with that entry
Last Does or not this entry or tract of
100 acres adjoin a tract of
land formerly owned by
John Pendleton deceased and
Henry S. Kane decd.?
Ans. It does
Quest. Is or not this the same tract
of land which was recovered
by Mr. Kane in his lifetime from
the Leggs in an Ejectment
suit in Lee County Va.?
Ans. It is the same tract

And further this deponent
says the not. Dale C. Legg

Virginia
Scott County to wit:
I the undersigned a justice
of the Peace in and for Scott
County Va. do certify that the depo-
sition of Dale C. Legg was taken,
sworn to and subscribed by him before
me and in my presence at
Clinch Port, Scott Co. Va on the 8th
day of March 1890. which
is intended to be used as evidence

in the chancery Court of W. D. Jones vs. W. J. Collier in a certain suit in chancery now depending in the Circuit Court of Scott Co Ia, in which the said Jones is Plaintiff and the said Collier is deft.

Given under my hand March 8th 1890.

L S Rhoton J.P.

Wm. D. Jones
vs
Depo
W. J. Collier

Read by mail in good condition & filed March 12th 1890.
D. A. Hyatt C.

Dale C. Legg

J. C. Chance, Executor of N. D. Jones
vs. } In Chancery.
Jasper Collier et al.

The deposition of I. P. Kane taken before me, R. M. Goins, Special Comr. in the above styled cause to be read as evidence in determining the questions referred to me as said Comr. in said cause by a decree entered therein on the 8th day of June, 1893.

Present: J. H. Orr, Atty. for Plff.
" C. T. Duncan Atty. for Defts.

The witness, I. P. Kane, being duly sworn, deposes as follows.

Ques. — By plaintiff's counsel.
Please state the nature of your father H. S. Kane's title, and those claiming under him, to the land on which the timber was cut in controversy in this cause, and file with your deposition as part thereof, any written evidence of said title.

This question and any answer to it is objected to because the title papers if any of the father of witness shows the title of the said Kane, and such papers are the only proper evidence thereof. Witness cannot state the nature of his father's title, that is

shown by the title papers.

2. This witness is incompetent to testify because W. D. Jones one of the parties to the contract which is the subject of investigation is dead, and this witness has an interest adverse to him.

Ans.— The land in controversy is embraced in a grant from the Commonwealth of Va. to John Johnson of 16100 acres— A copy of said grant is filed with my deposition marked No "1". John Johnson conveyed this 16100 acres to Nathaniel Taylor— A copy of which conveyance is here filed marked No. "2." Nathaniel Taylor conveyed to Jacob Milehan 2000 acres out of the 16100— A copy of which is here filed marked No. "3", which 2000 acres embraces the land in controversy. Said Jacob Milehan conveyed said 2000 acres to Daniel Blakemore— A copy of which conveyance is here filed marked No. "4." Daniel Blakemore conveyed, on 13 day of Feb. 1822, said 2000 acres to Jacob and Walter Milehan— A copy of which conveyance is here filed marked No. "5." Walter H. Milehan

on the 1st of Aug. 1825, conveyed to William King one-half of said 2000 acres — A copy of which ~~said~~ conveyance is here filed mark No. "6". The one thousand acres hereby conveyed being that portion which covers the land now in controversy — William King, ~~on~~ the 9th day of Sept, 1826 conveyed said 1000 acres to Ruben McCully Sheriff of Scott County, which 1000 acres covers the land in controversy — A copy of which conveyance is here filed mark No. "7". On the 18th day of Oct. 1826, Ruben McCully ~~Sheriff~~ &c. conveyed to Henry S. Kane said 1000 acres — A copy of which is here filed marked No. "8". On the 2nd day of Jan, 1837, John S Martin, as clerk of the County Court of Scott County, conveyed to Henry S. Kane, the interest of Jacob Milchum in said 2000 acres — A copy of which and the original also are herewith filed marked No. "9" — Also the Sheriff's receipt for the delinquent taxes for which said land was sold

is herewith filed marked No "9", and on account of which said said deed was made.

I herewith file an extract copy of the partition of the estate of My father, H. S. Kane, dec'd, and I will file a more complete copy of said partition. See same herewith filed "No. 10". In this partition there was 329 acres of land assigned to me as one of the heirs of said estate - which covers the land here in controversy.

I herewith file a copy of a deed, Marked "11", from myself to H. D. Jones, conveying certain lands, and which embraces the land in controversy.

I herewith file a copy of a record of a suit in ejectment by H. S. Kane vs. Russell H. Ligg ~~which record shows~~ and I am satisfied that the land in dispute in this suit is embraced in the 2000 acre boundary of land mentioned in the writ of ejectment in said record herewith filed marked "No. 12"

After this tract of land was assigned to me by the court who partitioned my father H. S. Lane's estate. I took possession of same rented it out received rents from the farm. and instructed my tenants to use timber for purpose of repairing the farm & fire wood from any portion of the farm they desired which they did so long as I owned the land. and were never to my knowledge forbidden by anyone from using timber from any portion of this land. for any purpose they desired. After said land was assigned to me by the court of my fathers estate I was going to have the fences repaired on said lands. and got Joe Collier one of the defendants in this case bearing of the improvements I intended to make came to me to do said work. and we agreed on the price of the work. and I told me Collier to make the rails on any of my land that was convenient. me Collier went

clear

and made the rails. he made several hundred rails made most of them on the land he now claims in this suit. he made and hauled off these rails on cleared land of mine that defendants have never claimed to not now claim. ~~I. and~~ Furthermore there is cleared land in this 2000 acres purchased by my father ~~on which he~~ outside of the land assigned me in the partition of my father's estate. and this other cleared land I refer to was rented to Claiborne Davis meridith by my father in his life time. said meridith based ~~from~~ land from H.S Stone inside of this two thousand acre boundary of land. cleared & fenced same. ~~to the~~ H.S. Stone's death said meridith paid the rents on said land to H.S Stone's estate.

The defendants except and object to the supposed deed of Nathaniel Taylor to Jacob Milhane as evidence for any purpose whatever. it purports to have been made by A. Johnson as attorney in fact for Nathaniel Taylor, and no warrant of

attorney is shown authorizing said Johnson to make said conveyance

2 Because said deed is acknowledged and certified in 1811. four years before it bears date.

3 Because the land purporting to be conveyed is described as lying on the North west side of the North fork of Elkhorn river while the land in dispute is shown by the survey and plat of Surveyor Cornical to be on the North or North east side of said creek.

Second The pretended deed of Jacob Milsham to David Blakemore is objected to because said deed is not acknowledged, and the paper offered here is only a copy from a record that could not be legally made.

Third The deed ~~Jacob Milsham to~~ Blakemore to Jacob Milsham et als is objected to because no title is shown in the said Blakemore and because the deed is not shown to cover the land in dispute.

Fourth The deed from Walter H Milsham to Wm King is objected to for reasons stated on said deed

Fifth. The deed ~~from~~ William King to Reuben McCully is objected to for the reasons stated in said deed and for other reasons apparent on the face of said deed

Sixth. This deed, No 8 is excepted to because it is not under seal. 2d. Because it purports to be executed by Wm. H. Morrison deputy for Reuben McCully, and no authority is shown in said Morrison to make said deed. 3d. Because the land conveyed by McCully by this is described as a tract of land lying in Scott County, Virginia.

Seventh. Deed of John S. Morrison Clerk to Henry S. Kane, both copy and original, are objected to for the reasons stated on the copy of said deed. (See deed & copy No. 9).

Eigth, The paper purporting to be a receipt from George McConnell deputy sheriff for Wm. Kilgore Sheriff of Scott County, is excepted to for reasons endorsed on said paper.

Ninth The "Extract" of partition filed with this deposition is objected to because it is not a full and complete record of the proceedings had in said Case.

Tenth, The deed of J. P. Kane to W. D.

Jones is excepted to, for the reasons endorsed on said deed,

2nd, The above answer is objected to because it does not correspond to the allegations of the plaintiffs bill.

3rd, Because the plaintiff has attempted to set up title by parol. - the written evidence is the only proper evidence for such purpose.

X Examined

Question 1. Where is the beginning corner of the 329 acre tract of land conveyed by you to W. D. Jones.

Ans. On a white oak.

Question No 2. Where does that white oak stand?

Ans. On the right of the creek as you go from Wisley's switch to Ward's Mill, a short distance from near opposite the old Iron Works.

Question No 3. Have you ever seen the lands embraced in your deed to Jones surveyed

Ans. I have not.

Question. No 4. Then how do you describe

that said deed embraces the land from which the Timber in dispute was cut.

Ans I have been shown the boundaries of this tract of land ~~assigned to me~~ by one of the Commrs. who partitioned my father's estate — and who assisted in laying off and running this track of land when the same was assigned to me.

Question No. 5. Who was that Commissioner and what lines or corners of said tract did he show you?

Ans. Thomas L. Peterson. He showed me all the lines around the boundary. He showed me the beech and elm, which stand on the North Fork of Clinch, which is the 2nd corner of the track, and the double maple ~~is the same corner that I remember~~ which is the corner to Tintsman land, now owned by the Va. Coal & Iron Co., also a poplar. He also showed me the beginning corner, and probably other corners that I do not now remember.

Question No 6. Do you know this tract of land known as the Wilson land

Ans. Part of it is.

Question No 7. What part of this land is known as the Wilcox land

Ans. I do not know how much of it is covered by the Wilcox part. I never saw the Wilcox land run out, and I do not know its exact location, but the Wilcox track was in the 329 acres, or partly so. I know the Wilcox house is in it.

Question No 8. How far is the timber cut from the Wilcox house above spoken of and what direction from it. and does said land from which said timber was cut lie between the Wilcox house and the McCauldin line?

Ans. 1st I do not know the distance.
2nd It does lie between said house and said line, and it lies in a northerly direction from said house.

Question No 9 give your estimate of the distance from said house to the nearest timber cut.

answer I don't know certainly but should think it is about one hundred or fifty yards. It may be farther or not so far.

Question. No 10 Was there ever a partition of the 2000 acre tract of land between Walter & Jacob Milekam.

Answer I don't know

Question No 11 Then why do you say that the part of said tract conveyed by Walter H Milekam to Wm King covers said tract from which said timber was cut.

I know it from the conversation given me the deed & having seen a portion of this land run out & know how the land lies. as described in deed being pretty familiar with that section of country.

Question 12 What portion of said land did you ever see run out and by whom was it run.

answer I have seen that portion on that line where the John Johnson survey & was bounded on a cucumber white oak & thence on N 71 of chief mon Nicely's switch & running N 35 W 740 poles to a poplar & two dogwoods, & a part of the line running S W to top of Powells mountain. Saw these lines run by J. F. Wolfe & one of them by L. McCorkle & Thinks. I also know where the old forge or iron works stood & the mill spoken refered to in deed

Question 13. From whom did John H Wilcox purchase the tract of land called the Wilcox land heretofore spoken of by you.

Ans. from H. S. Slane my father and this land was afterwards reconveyed to my father by C. R. Vance assignee.

And further this deponent saith not.

J. P. Slane

State of Virginia, County of Lee, to wit:
I, A. M. Goins, a commissioner in the above styled cause, do hereby certify that the foregoing deposition were duly taken under oath after notice, and subscribed before me, and at the time and place as above mentioned.

Given under my hand, this 2nd day of Oct, 1893.

A. M. Goins,
Commissioner

W. D. Jones

vs. } Depositions.

Jasper Collier & al.

I. P. Kane.

The depositions of Russell Legg - Thos L. Peterson
Dale M. Legg - Isaac Wisley - and others - taken
before me John Riddle - a Justice of the Peace
in and for the County of Lee and State of
Virginia, at - wards Mill in Wild Cat
Valley pursuant to notice, and by agree
ment of the parties on the 8th day of
March 1888, to be read as evidence in
a Chancery Cause now pending in the
Circuit Court of Lee County in which
W. D. Jones is Complt - and - Jasper Collier
and others are Defendants -
Present - Geo. A. Ewing Counsel for the
Complainant - and - Jasper Collier
and - J. B. Scott.

The first Witness Isaac Wisley after
being first duly sworn deposes as
follows -
Ques 1 - You will please state if you are
acquainted with Jasper Collier & have

Collier and J. C. Scott?

Ans- I am acquainted with the above named parties

Ques- 2- You will please State if you saw Jasper Collier and John Collier cutting Timber on the land- formerly claimed by I. P. Kane which he sold to M. D. Jones or claims to have sold to him- If so State what kind of timber they were cutting on said land?

Ans I saw Jasper Colier & John Colier Cutting poplar trees on the land said to be Claimed by M. D. Jones which he purchased from I. P. Kane

Ques 3- Please State about what time you saw them cutting said timber- and where the same is located?

Ans- It it is in the Wild Cat Valley on the north fork of Clinch River and on the north side of Powels Mountain east of where John Colier then lived. I think it was in January

Ques- 4- You will please State the quality of said timber- and about what it is worth per thousand feet- ~~at the place it~~ is now located, also about the distance from- the- proposed line of the South atlantic and Ohio R. R. now being constructed

Ans, The timber is good poplar timber and is is located in one fourth of a mile of the South atlantic and Ohio Railroad and is worth where it now is five dollars per thousand

Ques 5- Please State what amount of timber- they the said Collier have Cut- and- what you understand they have done with said timber?

Ans, I dont know, but my information is about one hundred trees which would probably make fifty thousand feet. I understand that they sold it to J. C. Scott

Ques- 6- State whether or not the said Jasper Collier, John Collier- and J. C. Scott or either of them have been moving any of said

+ timber
+ in the last few days - or since the
Injunction was executed in this cause?
Ans - I do not know
Ques 7. State if you have seen either of
them making any preparation to remove
any of said timber - or have heard either
of them say anything about removing it
since said Injunction writ - was ~~served~~
executed - If so state what they or either of
them said?
Ans I saw a young man bring in
a yoke of Cattle, and I ask him whose
oxen they were and he said J. C. Scott
and I ask him where he was going to log
he said the timber that J. C. Scott bought
of Jasper and John Collier
Ques - 8 You will state whether or not -
Jasper Collier - John Collier - or J. C. Scott
are financially responsible? ~~that is could~~
~~a debt be~~ ~~I think not~~
Ans I think not
Ques 9 Who was the young - young man
who said the oxen he was driving
belonged to J. C. Scott?
Ans, I do not remember;
Ques - 10 - What is your understanding
that said Collier sold said timber
to J. C. Scott for in controversy for?
Ans. My understanding is one hundred
and sixteen dollars
Ques 11 - Please state what damage if any has
been done to the land in controversy and other timber
outside the value of the poplar timber
by reason of the cutting & felling of same
& ~~etc~~? I think about twenty five dollars
And further saith not
Isaac Wisely

The deposition of Isaac Wisely is excepted to by
John Collier because he had no notice of the taking
of the same. and it is further excepted to because
altogether in the handwriting of G. A Ewing one of
the counsel of the Plaintiffs because. many of the
statements are mere hearsay - ~~and~~ inadmissible
April 2nd 1888.
C. J. Duncan for Defts

The next witness. Thos L. Peterson of lawful age after being duly sworn - says -

Ques-1- You will please state if you helped survey and run out the lands belonging to the estate of H. S. Kane deed. lying on the waters of North fork of Clinch and on Pauls Mountain where John and Jasper Collier cut the timber involved in this suit? If so state whether or not said land off of which said timber was cut is covered and included in the Johnson - Taylor Survey and McCreedy Surveys?

Ans. Yes Sir, I help survey the said land upon which the timber is cut involved in this suit, and it lies in the Johnson Taylor and McCreedy Surveys.

Ques 2 - You will state whether or not you have gone upon said lands and examined the poplar timber cut upon same and sawed into 5 saw logs - If so state when and about the amount of timber cut - and its value per thousand feet?

Ans - I did go upon said land today and saw the poplar timber ~~cut and~~ was cut and sawed into saw stocks, I think there is about seventy thousand feet worth five dollars per thousand where it now lies

Ques 3. Of your own knowledge how long has Henry S. Kane deed & his heirs had possession of the land upon which the timber was cut by John Collier Jr & Jasper Collier?

Ans. I suppose about twenty years.

Ques 4. State whether or not said Kane ~~Ques 4. Have the not~~ had tenants upon this land, and if so how long?

Ans He and his heirs ~~having~~ had tenants on this land twenty years.

Ques. 5. If you have ever had any conversation with J. C. Scott in regard

to this timber since the Injunction was served on him - please state what he said - and where ~~it~~ he said it -

Ans Yes I had a conversation with him last Friday the 2nd day of March, he said that he had bought the timber, and was a going to haul it.

Ques-6- You will + plain state what damage outside of the value of the poplar timber, if any has been done to the + other timber and land by the cutting and folling of said poplar timber &c

Ans; about Twenty five Dollars Damage &

And further saith not - Thomas L Peterson

John Collier excepts to this deposition because he had no notice of the Taking of it, It is further excepted to because in the hand writing of L A Ewing one of the counsel of Pltff, in part, and partly in hand writing of I P Shaw, the vendor of the Plaintiff. and it is further excepted to because witness does not state what bills papers were used in the surveying to which he alludes. & because the does not state specifically what kind of possession or possessory acts were had or done and further because part of it is mere hearsay.

C. T. Duncan for Defts

The next witness Dale W Legg after being duly sworn says—

Ques-1 You will state whether or not you have been upon the lands upon which Jasper and John Collier cut the timber involved in this suit. If so state about what amount was cut and what it is worth where it now is?

Ans. I have been on the said lands with others about 75 000 feet cut on said lands worth about five Dollars a thousand feet

And further saith not — Dale W Legg

John Collier excepts to this deposition because he had no notice of the taking thereof

C. T. Dewan

The next witness A. J. Thompson of lawful age after being duly sworn Says—

Ques 1— You will State whether or not you rented the land + or farm upon which the timber in controversy in this case was cut— If so from whom— and for how long did you have possession of same as a tenant?

Ans. I Rented the farm on which the poplar timber that Payne & Jasper Cobar & other others cut I rented from H J Kane in his lifetime and after his Death from Thomas I Pentzson Agent for the Kane heirs & was then a tenant little the rise of seven years

Ques 2. State whether or not that while in possession of said land as a tenant of said Kane. You did used timber for any purposes off the land on which the timber in controversy was cut. if so for what purposes. ~~and~~

Answ years & I did ~~dispose~~ used hit for makin rails & fire wood & during all ~~time I was~~ the time I was there as a tenant & no one forbid me from cutting and using timber—

Ques— 3— How long since you vacated said premises?

Ans— four years — and further saith not— A. J. Thompson his mark

The further taking of these depositions is continued untill tomorrow morning at 8 o clock This March the 8th 1888.

John Riddle J.P.

Met pursuant to the adjournment this March the 9th 1888. John Riddle J.P.

John Collier excepts to this deposition because he had no notice whatever of the taking thereof

April 2nd 1888

C. T. Duncan for Deft Johnc

The next witness I P. Kane after being duly sworn says-

Ques. Can you will please state if you have examined the lands & timber cut on the lands in controversy in this suit- If so state the amount & value of the same- also- state under what title papers of H. S. Kane dec'd- is said land claimed by complt- and file the same or copies thereof with this your deposition; also describe where said land off which said timber was cut lies;

Ans. I have examined the lands from which the timber was cut by Jas Perbellin John Bellier Jr & others. I would think there was from fifty to seventy five thousand feet of the timber that has been cut, which is worth five dollars a thousand where it lies. Said land is claimed by title which was acquired by H. S. Kane dec'd to a tract of land lying in the Taylor or Johnson

Surveys containing 2000 acres more or less lying in Scott & Lee Counties Va on North fork of Clinch River & in Wild Cat valley on the North & south sides of Powells mountain. which tract of land was bought by H. S. Kane Deed in 1876. a portion of the land from which this timber was cut I believe lies in said Kanes Mcbroody or Patricks Survey which said Mcbroody or Patricks Survey H. S. Kane Deed purchased in the year 1855 said Mcbroody or Patricks Survey joins the 2000 acres purchased by H. S. Kane. Said two Surveys or tracts of land joins ~~front~~ above where Isaac Hisely now lives in Wild Cat valley, Va & run together to a point of fossile Ford Mill in Lee Co Va, which is a distance of 2½ miles the two tracts joins & run together. and they cover all the land from which the timber was cut by bolliers & others. ~~Twice~~ copies of the aforesaid title papers will be filed with this deposition marked Exhibit. A. & B.

Ques. 2. Who owns the land in controversy in this case, under the Kane title?

Ans. D. Jones of Philadelphia Pa, who is complainant in this suit.

and further sayeth not.

J. T. Kane

John Collier excepts to this deposition because he had no notice it is further excepted to by all the defendants because the witness does not file or exhibit any title papers with his deposition Nor does he show that he has any knowledge whatever except mere hearsay or opinion that any title papers of H S Kane deceased covers any of the land in dispute

April 2 1898

C. T. Duncan for Defts.

Messrs John Colyer Jr Jasper Colyer and James C. Scott, you are hereby notified that on the 8th day of March 1888 at Woods Mill in said Co. in Lee County Virginia we will proceed to take the depositions of Russell Lizz and others to be used as evidence in our behalf in a certain suit now pending in the circuit court of Lee County Virginia, in which we are Complainants and you are Defendants; but if from any cause the taking of said depositions should not be commenced upon that day; or if commenced not completed, we will adjourn from time to time, and if necessary from place to place until the same are completed.

February 28th 1888

W. D. Jones
per Attys

W. D. Jones et al
vs
John Collier et al

Personally appeared before me the undersigned Justice Thos L. Peterson who makes oath in due form of law that he delivered a true copy of the within notice to Jasper Collier and James C. Scott on the 2nd day of March 1888. not delivered to Jahue Collier he having left the Commonwealth as affiant is informed and has no atty in Said County to his affiants knowledge

Sworn to before me this the 8th day March 1888.

John Riddle J.P.
for Scott County

~~Before the Court~~
~~office~~

Bill of cost in taking depositions
In the case of W. D. Jones - vs - Jasper
Lollier & others which accrued in behalf
of the complainant - to wit -

John Riddle J. P. taking deposition 4 hours at .75 per hour -		3.00
Isaac Wiseley 1 day as witness .50 & milage .50 =		1.00
Thos L. Peterson 1 " " " " .50 " .60		1.10
Dale C. Legg 2 " " " " .50 per day		1.00
A. J. Thompson 2 " " " " .50 " "		1.00
J. P. Kane 1 " " " milage 2.40		2.80
Thos L Peterson serving 2 notices to take depo. .50		1.00
C. B. Turner (Const) summoning 4 Wit -		.80 &
~~In a defy~~ Louise Leg - 1 day as Wit -		50
		$12.30

I certify the above Bill of cost is correct
Given under my hand this the 9 day of
March 1888 -

John Riddle J. P.

Lee County to wit:
I John Riddle a Justice of the peace for the County aforesaid in the State of Virginia do Certify that the foregoing depositions of Isaac Wisely, Thomas L. Pertison Dale W. Legg, Andrew L. Thompson and J. R. Scan, were duly taken and sworn to by me at the time and place and for the purpose mentioned in the Caption and pursuant to notice which notice is herewith filed, and to an agreement of the parties who were all present either by themselves and Counsel. The said depositions were written by me and others in my presence
Given under my hand this the 9. day of March 1898

John Riddle J.P.

7

W. D. Jones

vs } Depositions

Jasper Colliers

Recd through the mail in good condition from J. P. before whom taken and filed March 14th 1888.

J. A. Hyatt C.C.

Cost of Depo. $12.30

Suppressed by Decr. Entered Decr. 6th 1888.

D. Hyatt C.C.

The deposition of W. J. Collier F. A. Wade & L. M. Collier taken pursuant to notice hereto attached on the 26th day of March 1890 at Words Mill in Lee County Va whose depositions are intended to be read as evidence in behalf of the defendants in a chancery cause now pending in the Circuit Court of Lee County Virginia in which W. D. Jones is Plaintiff & W. J. Collier and others are defendants.

Present. B H Sewell one of the counsel for the Plaintiff & C. T. Duncan for the defendants.

Francis A. Wade a witness of lawful age being first duly sworn deposes & says.

1 Question by Defts. What is your name age & place of residence.

Answer. Francis A. Wade thirty four years of age residence Wild Cat valley Lee County Va.

2 question by same. Are you acquainted with the tract of land in controversy in this case. I mean the land on which the poplar trees were cut. which is the subject of dispute in this case and if so how long have you known it?

Ans I am acquainted with it I have known it about 24 years

3rd question by same. In whose possession has it been since you knew it.

Ans. John Collier Seignior

4th Question by same. Since you have known

said Tract of land, did any other person except John Collier & those claiming under him ever exercise any acts of ownership over said Tract of land.

Ans. Not to my knowledge

4th question by same. Did Henry S Kane in his life time ever occupy said land or have the same in possession or exercise any acts of ownership over it, if so what were they.

Ans. Not to my knowledge

5 question by same. Will you please state whether or not said tract of land adjoins any other tract of land owned by said Collier, if so what tract

Ans. It does It adjoins the Wilson tract

1st & 2nd

1. Ques. Were you acquainted with Henry S. Kane and those who claimed this land under him or not?

Ans I know Henry S. Kane but not those claiming under him

~~And further this de~~

2. Ques Could not Henry S. Kane or those exercised acts of ownership over said land through parties without your knowledge?

Ans. No sir

And further this deponent saith not.

his
Francis A × Wade
mark

F. A. Wade 1 days attendance.

W. J. Collier. another witness of lawful age being first duly sworn deposes & says.

1 Question by Defts.

What is your age residence and occupation.

Answer. I am about 54 years old residence Wild Cat valley Lee County Va. occupation Farmer

2. Question by same. Are you acquainted with the land in dispute in this case. if so how long have you known it.

Ans. I am acquainted with said land I have known it about 26 years

3rd question by same. Since you have known it. in whose possession has it been

Ans. It has been in Jehue Colliers ~~possession~~ and myself that is Dale C. Legg was in possession of it seventy acres of it when I could first remember he sold it to my father ~~some~~ in ~~fourteen or fifteen years ago~~ 1859 or 1860 the residue was cut off of land that my father bought of Russell W. Legg in 1860

4th. Question by same. While Henry S Kane lived state whether or not he ever set up any claim to this tract of land I mean the land from which some timber was cut.

Ans I dont reckon he did about 12 years ago L. M. Collier was cutting timber on the 70 acre tract and Henry S. Kane was informed of it he said let them go ahead ~~the~~

5 question by same. Since you have known said land. did Henry S. Kane or those claiming under him every use said tract of land

cut any timber from it or exercise any other acts of ownership over it if so please state what they were?
Ans. Some of Henry S Kane sentences cut timber for fire wood rail timber and boards. I went and put a notice on the Mill house door and in the woods near the corner of said tract notifying them not to trespass on my premises
6th question by same. Since you put up said notices. did Henry S Kane again trespass on your land. state all about it.
Ans. I saw where somebody had cut timber fresh and hauled I dont know who it was done it
7th question by same State whether or not said Henry S Kane in his lifetime ever set up any claim to this 70 acre tract of land or any part of it.
Ans I dont know whether he set up any claim to it or not. he never set up any to me or my father
8th question by same. Did Henry S Kane know of the claim of your father to said land?
Ans. I reckon he did he knew my father had the deed to it
9th. question by same. Did or do you and your father own any land adjoining the 70 acre tract of land if so what tract or tract
Ans We do the Alexander Wilson tract
10th Question by same. How long have you owned the Alexander Wilson tract and been in possession of it.
Answer Ever since 1861 or 1862

11th question by same. State what kind of possession you have had of said Tract from 1861 or 1862 down to this time
Ans. I have been living on said Wilson Tract for about 24 years
12 question by same. State whether or not during all that time you claimed this 70 acre tract of land and exercised acts of ownership over it. and if so what were they
Ans. I have claimed said lands for about 24 years, ~~and~~ ~~since~~ ~~to~~ since my father purchased it from Dale C. Legg during that time we cut rail timber board timber firewood and house logs from said land and let other men have timber off of it and no person molested us or attempted to untill this injunction was instituted
13th question by same. Have you had any conversation with Mr D Jones the plaintiff in this suit since the institution of this suit and in reference to it. If so please state what he said.
Ans. I have, I met Mr Jones at Bigstone Gap and said to him I see you have instituted a suit against us Collier, he studied a moment and said I am at the first of it he then said I have not instituted such a suit and authorized no person to do it for me I then asked him if he claimed anything but the 95 acre Doran tract under his purchase from Rana and he answered he did not
14th question by same. Do you know the

lines of the 95 acre Doran tract, especially the Northern line of it.
Ans. I do. I know the division line between the Collier and Henry S. Kane land
15th question by same Was any part of the timber cut by yourself and others, which is the timber in dispute in this case, on, or inside of the Henry S Kane 95 acre Doran tract of land
Ans. It was not.
16th question by same. You spoke in the foregoing part of your deposition of persons trespassing on your land by cutting timber on it &c. Do you know whether or not they acted under authority from Henry S Kane, or his heirs.
Answer I don't know whether they did or not they told me they did not know where the line was
And further this deponent saith not

W J Collier

L. M. Collier another witness of lawful age being first duly sworn deposes and says
1 question by same. Are you acquainted with the land in dispute in this case
Answer. I am I have known it about 18 years
2 question by same. State who has been in possession of it since you have known it.
Ans. since I knew the land I was wanting some saw logs and got them from Mr Collier this was 16 or 17 years ago

3rd question by same. State if since you have shown said land any other person has ever set up any claim to said land except the Collins, till the institution of this suit.

Ans. Not to my knowledge

4th question by same Did you get timber off of said land by permission of Said Collins more than once if so how many times.

Ans. I think I got timber off of that land about 3 times

And further deponent saith not.

L M Collier

The foregoing depositions of Francis A Wade, W. J. Collier and L M Collier were taken sworn to and subscribed before me at the time and place and for the purposes mentioned Given under my hand This the 26th day of March 1890

Harvey Young Notary Public

The further taking of depositions in this case is adjourned to the dwelling house of Daniel C Legg in Scott County Va on the 27th day of March 1890

Harvey Young Notary Public

Costs of these depositions

F. A. Wade	1 day	50¢	.50
W J Collier	1 "	50.	50
L M Collier	1 "	50¢	50
Notary's fee.	4 hours.	75	3.00
			$4.50

Harvey Young N.P.

At Dale C Legg's in Scott County Va
Met pursuant to adjournment, on this
27th day of March 1890.
Kimrod Adams Notary Public S.P.

Dale C Legg a witness of lawful age
being first duly sworn deposes & says.
1 question by same. What is your age resi
dence and occupation.
Answer. 75 next fall My residence is
in Scott county virginia on dry creek my occupation
is a farmer
2nd question by same. how long has it been sinc
you sold Jehu Collier Ur seventy Acres of land
lying in the Wild Cat Volly near Wards Mill in Lee
County Va. Answer. it has bin about fourteen
or fifteen years ago
3rd question by same how long did you have this
seventy acre tract of land that is now in despute betwe
W D Jones and the Colliers in your possesion.
ans I had said tract land in my possion be
fore I conveyed it to said collier about fifteen
or twenty to the best of my Recollection and made
over fedig the tax on the inther hundred acre tract
~~the question by same~~ that was patented by self
Morrowe & Russel Legg
4. question by same how long has it been sinc
you obtained a patten for this 100 acre tract that you
sold the seventy acres out of to Jehu Collier
Answer. to my Recolection it has bin thirty five
or forty years
5th. question by same. was you ever molested at
any time while you had this tract of land in your
possession. that is now in despute between W D Jones

and others against Lehue Collier & W J Collier

Answer. I never was molested by any person

Qthe question by same, did you at any time ever give to Henry S Kane Cr. a release on this security deed that you sold to Lehue Collier Cr.

ans No I never did

further this deponent saith not

Dale C Legg

Cost of this deposition to witness 50 cts

Notary Public 1.25

The foregoing deposition of Dale C Legg has bin duly sworn to and subscribed before me this the 27 day of March 1890

Kinnard Adams N P

Wm J. Collier vs Depo
Wm D. Jones -
Filed March 28 1890
J. A. Smith C.

J. M. A. Hale
W J Collier
L. M. Collier
Dale C. Legg

These depos are referred to because letters matters, 13 & Sixteen are not answered for Dale C. Legg is a witness for complainant, one the other, Dale C. Legg is interested to the extent to make affidavit to matters in dispute & claimed title to the land in question, & the testimony upon such matters by proof on behalf the defendants matters as the letter sixteen cases

John M. Cox for Dft.

Filed Oct 23 1893

James M. Stewart et als. ~~Plaintiff.~~

vs. In Chancery.

Timothy Stewart et als. Defendants.

~~And the~~ This cause came again this day to be heard upon the papers formerly read herein, and the defendant Mary C. Waddle having

Virginia. Lee County To wit.

I W. J. Collier do state and solemnly swear that I am well acquainted with the land in dispute in the Injunction case of W. D. Jones, against myself & others and. I further state that I am well acquainted with the lines of the tract in dispute in said case, I further state that of the timber sold by W. P. Duff Receiver. That fully one third thereof came off of land not at all in dispute and to which the said Jones had no claim

So help me god.

W J Collier

Sworn to before me this the 12th 1898

A B Murray Clerk

W. J. Collier

Affidavit.

Virginia Lee county

To the Honorable Circuit court of said county

In obedience to your order of Dec. 6th 1888 made in the cause of Wm D. Jones vs Jasper Collier John Collier and James C. Scott, I took charge of the poplar saw logs then cut and lying on the land claimed by the parties to this suit and advertised on the 19th day of January at three different places in said county the time and place of sale, & I did sell on the 2nd day of Feb. 1889 by public out-cry 178 poplar saw logs making 44,240 feet and James C Scott became the purchaser at three dollars and fifty cents per thousand which made the sum of one hundred and fifty four dollars and Eighty four cents he paid one third cash and gave bond to me as Receiver for the defered payments with James P Barron J. C. Olinger and John Gilley security due in four & eight months from day of sale (each note for $51.61/100)

I have the honor to submit &c

This 1st day of April 1889

Wm P. Duff Receiver

44,240
14,780

W. D. Jones,
vs } Receiver's Report
Jasper Collier et al

Filed Apr 1 1889.
J. A. G. Stratt C.

Duff
No 11

To The Honorable H. S. K. Morrison Judge of the Circuit Court of Lee County.

The undersigned receiver in the case of W. D. Jones vs. W. J. Collier et als begs leave to tender his resignation as such receiver upon the ground and for the reason that he will soon remove from this County and can no longer attend to said business. And he herewith submits a statement of his account as such receiver.

Debtor

To amt of 1st Sale, Made February 2 1889.		154.84
" Interest on same after 4 months to Aug 2 1891.		20.13
To amt 2. Sale, Made May 2 1891. on 4 months time		190,00
Total amt This date.		364.97

Credit.

By This sum commissions. 10 per cent		20.00
" Expense in going to Wise to sell Timber there which was compromised and no charge made there.	4.00	4049
bal due - Sept 1st 1891.		324.48

It will be seen That I have credited myself with 10 per cent on total sum for commission This sum will be a very meagre compensation for my services & trouble Some of the money is not yet collected and I herewith return notes for

same balance I have the money and am ready to pay same to whom same is apportioned in my stead or I am ready to pay same into court.

Sept 1st 1891. Respectfully submitted

Wm F. Duff Receiver

J. G. Chance Ex-
vs. 3 Receiver's Report
W. J. Collier

Duff
Report No. 2.

Wm. L. Jones Plff

vs

In Chcy

Jasper Collins et al Deft

Pursuant to an order of the Circuit Court of Lee Co. Va. dated April 2nd 1890 - first notifying both parties or their attorneys - I proceeded the 20th of Aug. 1891 - succeeding and proceeding days to survey the lands in controversy according to the following Plat & Report

To locate the John McCredie 159 ac. now survey I began at (A) a beech about two poles North of a branch said corner was shown to me by Wm Carter Esq as the corner of said McCredie survey as described in original Grant as "a large beech & white oak & small sycamore on the bank of a dry branch" - thence I reversed degrees called for allowing 2½° variation (said degrees being called as follows "S 35 E 1160 poles crossing the North fork of Clinch four times") I ran N 32½ W 1145 poles to a point right of (B) a poplar stump pointed out to me by Dall C. Legg Thomas L. Peterson and Holbert

Meridith as the Corner described in said survey as two poplars & two dogwoods on a hill side - This line Crossed the North Fork of Clinch two times and at point (C) Crosses a bed of a stream two times said to have been the same creek or stream but which is now a few rods west of said point

This line also locates the Fosters 16100 acre survey. Said survey Calling as follows "N 60 E 82 poles to a Cucumber white hickory & hack oak on John McCoride's line and with some" "N 35 W 740 Crossing the North fork of Clinch three times to a poplar and two dogwoods on a hillside" We found the distance from said point (C) to poplar stump (B) to be 719 poles.

To locate the Legg 100 acre Grant we began at (B) the third Corner of said survey described as "a poplar" corner to McCoride survey and with a line thence "S 81 E 220 poles to a white oak and poplar" I allowed 2¼ variation and ran S 28¾ E 220 poles 1½ poles to right of (A) I found

a poplar and white oak in a flat bottom marked as corner trees but the white oak had been recently cut down.
- Thence I ran three succeeding lines - from 4 to 5 then to 6, then to 7 - but in each instance the original forest had been chopped down and no trees found
I also reversed from 3 to 2 then to 1 with like result the lands having been cleared years ago -
To locate certain cleared lands of said 100 acre Grant - said lands being claimed by Pltff to have been yielded by H.S. Lane to Deft (or preceding owners) for a good and substantial consideration - I began at point (7) thence with an old fence (and with fellow line of plat) N 33½ W 22 poles N 32 W 10¼ poles N 25½ E 7¾ poles N 13¾ W 16¾ poles N 44 E 9½ poles N 54 E 10 poles N 46½ E 7 poles N 21 E 10¼ poles N 23¾ W 17 po N 1¾ E 25¾ po N 59½ W 19¼ poles to corner (3) and thence with original lines to (2) then to (1) then to (7) containing 34 acres very nearly.

The East line of the Snyder tract called for

Wm D. Jones
vs
Surv. Report
Jasper Collier et al

Filed Sept. 2nd 1891
J. A. L. Hyatt C

This report is expected to be made the surveyor fails to report as he was required to do whether or not the calls of the writ of Ejectment of Kelle vs Leggs covers the land in dispute. and because the Defts did not have notice of the time of said Survey
Sept 4th 1891

C. T. Duncan
W. H. Sewell for Defts.

Cost
Surveyors Fee - $30.00
Chainmen & Axeman 12.00

his deed to T. S. Powell as shown on Plat by dotted line marked S. West. This and not the exactly right, but approximately correct by Claiborne Brewster who states that he found his corner as the Bass has located. Said deed calls for Brick Block Folds, Forge & Stone (approximately) the position of which are shown on Plat.
All of which is respect. submitted
J. W. C. Conner Cal. S. L. C.

J. C. Chance & W. D. Jones Decd Plff
vs
W. J. Collier et al Deft
} In Chy

To the Honorable Circuit Court of Lee Co Va. Pursuant to an order of Your Honors Court (dated Sept 3rd 1891) requiring and amendment of my report in the above styled cause so as to show whether or not the tract of land claimed by the defendants is within the calls of the declaration in Ejectment of Henry S. Kane vs Dale C. Legg et al - In response thereto I report that according to a paper which I suppose to be the one demanded to wit an attested Copy (furnished by County Clerk) of the declaration in Ejectment, Henry S. Kane vs Purfell W. Legg, Dale C. Legg & Wm. T. Legg. according to this paper said land is not within the calls of the declaration - The calls of said declaration being an exact Copy of the McCoechi 15950 Acre Grant. And as before stated, I located said grant of 15950 acres by running the line A. B. and platting the remaining lines which are represented by the green lines of plat herewith filed, whilst the dark shade 4, 5, 6, 7 &c show the lands claimed by defendant to wit The Legg 100 acre Grant to be wholly without and West of said writ of Ejectment

Notice was given both parties and no further surveying required by either -

Respect submitted

E. M. Carmical S. L. C.

Fee
$ 2.00

J. C. Chance et al

vs Surveyor Dupont
Commtl report,

W. J. Collier et als

Filed Dec. 4 1891.

J. Als Hyatt Clk

36
15
15
36
40
MC 1.42

G. 1.30
2.00
1.25
4.55

5.85

J. C. Chance Exr &c
vs Coroner Carr
vs Inquests Report
Wm. J. Collier et al

Filed Oct. 16/1893
A. B. Mussey Cl

Coroy fee $3.00

J. C. Chance Executor &c Pleff
vs
Jasper Collier et als Defts
} In Chancery

Pursuant to an order in the above cause in which I was required to lay down by protraction the land embraced in the declaration in Ejectment by H. S. Kane against Russell W. Legg dated Jan 1st 1859. Said declaration embraces two parcels of land. The one of 13950 Acres. I had heretofore laid down (that is the McCredie survey) and represented on plat by Green lines.

The Courses and distances of the second tract, of two thousand acres, is not given, but described by natural boundaries and the lines of the said McCredie survey - and the Johnston 1600 acre survey - which is represented on plat by red lines. Now it necessarily follows that the south boundary line of said two thousand acre survey is south of the 100 acre survey - that is the land in dispute - because it calls for striking the North Fork of Clinch river - thence up the meanders of the North Fork until it strikes the line of John McCredies and Nathan Fields where they cross said North Fork - Now we have heretofore shown by actual survey that this point is (C) or (X) on Plat, a distance of 300 or 400 poles south East of said 100 acre survey. Thence from this point X or C. Said two thousand acre tract calls for the line of

Fee $3.00

said McCricket & Johnson surveys to the top of Powells Mountain and said lines are represented by lines X. B. H. O. and therefore the 100 acre survey or lands in Dispute is within said lines. All of which is most respect submitted Oct 3rd 1893

L. M. Carmical S.L.C.

W. D. Jones, Complt.
vs. } In Chancery.
Jasper Collier et al. Defts.

To the Hon. W. S. K. Morison, Judge of the Circuit Court for Lee County, Va.

Your undersigned Special Commissioner, in pursuance of a decretal order of the Circuit Court of Lee County, Virginia, pronounced on the 8th day of June, 1893, having given due notice to all parties concerned, proceeded on the 2nd day of Oct., 1893, to execute said order; and his proceedings having been thence forward regularly adjourned from time to time, and being at length completed, the result is herewith respectfully submitted.

Your commissioner, being directed by your honor's order of June the 8th, 1893, "to ascertain and report what title, if any, the plaintiff and defendant have to the land in controversy in this cause", here reports that he has carefully studied the file of papers submitted for his consideration, including depositions, deeds &c., &c., and he is fully convinced that W. D. Jones is the owner in fee of the land in controversy in this cause.

It would make this report of your commissioner too cumbersom and lengthy to take up, piece by piece,

the evidence and muniments of title of both the complainant and defendant and refer to them separately. Suffice it, therefore, to say, that on the part of the complainant, he shows a color of title from the commonwealth to himself, and an adverse possession for more than ten years. On the part of the defendant, your commissioner find principally a mass of objections, accompanied by two deeds and some evidence of adverse possession; but your commissioner yields to the preponderance of evidence on the part of the complainant, accompained by his long chain of title.

Your commissioner therefore reports, of course from the lights set up to guide his maybap irring judgment through the mass of papers submitted for his consideration, that H. D. Jones, the complainant in this action, is entitled, both in law and in equity, to the land here in controversy.

All of which is respectfully submitted, this Jan. 1st, 1894,

A. M. Goins,
Special Comr.

W. D. Jones, Compltt.

vs. { Comr's. Report.

Jasper Collier et al. Defts.

Filed Jan. 1st, 1894.

A B Mansey C.

This report is expected to be since the conclusion arrived at by the Court are exactly contrary to the evidence before him

Duncan & Small
for Defts

Comr's. fee, $20.00/100

To the Honorable W. T. Miller Judge of the Circuit Court of Lee County Virginia.

The undersigned receiver in the Chancery cause of J. C. Chance Executor of Wm P. Jones deceased vs Jasper Collier & others, pending in your honor's Court would respectfully report, that pursuant to the requirements of the decree in said cause at the last term, he has endeavored to collect the money that came to his hands as such receiver in said cause, but has failed to do so as to all of said fund. The following statement will show how the matter stands.

This sum received from Wm P. Duff former Receiver	$324.48
" " Interest thereon to June 1st 1894.	53.54
" total sum to be accounted for June 1st 1894.	$378.02
By 10 per cent Commission	37.80
Net balance to be accounted for	$340.22
By this sum loaned to Jas. C. Scott, with J. C. Olinger & J. W. Scott security, and uncollected, & on which I have brought suit	$200.00
" " " Interest thereon to June 1st 1894.	34.00
" " " paid J. W. Orr, atty for Pl'ff, May 25th 1894.	106.22
	$340.22

On the $200.00 above, I have instituted suit, and expect Judgment at the June term 1894, of your honor's Court, and will collect the same & pay it over as soon as possible. The above statements accounts for the fund that came to my hands. Respectfully submitted.

May 25th 1894. G. C. Jesse. Receiver.

J. C. Chance Ex &c.
vs } Report of G. C. Jessie Receiver
Jasper Collier et als.
Filed May 25th 1894.
A B Mauney Clerk

2nd May Rec'd 1894.

J. C. Chance Executor of Wm D Jones decd. Pltff
against } In Chy.
Jesse Callier et als. Defts

The undersigned Receiver in this cause, respectfully reports, that he has collected the amount heretofore reported to be in his hands as such receiver, and has paid the same to James W Orr attorney for plaintiff, as follows.

1894 May 25th	Amt paid said atty, ~~through Q. W. Crabb~~ in report filed May 25th 1894.	$106.22
1897 April 5th	Amt paid said atty, through E. B. Auld.	306.36
	Total paid Orr, atty,	$412.58

This completes the transaction so far as your Receiver is concerned, and accounts for the fund that came into my hands.

G. C. Jessee Receiver.
May 20th 1898.

J. C. Chance, Exr. &c.

vs. } Report of Jessee
} Receiver

Jehue Collier et als.

Filed May 23rd 1898.

A B Murray Clk

Virginia:

At a court begun and held for Lee county at the Court-house thereof on Monday the 18th day of June 1860.

Henry S. Kane Pltff.
against } In Ejectment.
Russell M. Dale & Wm. T. Legg, Defts

This day came the plaintiff by his attorney and it appearing by the return of the Sheriff that the defendant in possession of the premises hath been duly served, with a copy of the conditional order made in this cause, and they not appearing, although solemnly called, it is considered by the court that the plaintiff recover against the Defendant, the lands and tenements, with the appurtenances thereto belonging in the declaration mentioned, Whereupon the Plaintiffs prays a writ to the sheriff of this county to be directed, to cause him to have the possession of the lands and tenements aforesaid, and it further considered by the court, that the Plaintiff pay the costs of this suit.

A copy of the Record,

Teste John R. Gibson Clerk

H. S. Kane
vs } copy of Judgment,
Russell M. Leggat et al.

This copy of Judgment is excepted to because it does not show what lands it refers to, and the enclosure shows that it is different lands altogether. The land this refers to is in the Taylor and McCrady surveys and the deposition of S. P. Stearns proves that the land in dispute is in the Johnson survey or patent.

Duncan for Deft

Fee .25.

Va Lee County to wit:

Henry S. Kane Plaintiff complains of Russell W. Legg, Dale B. Legg and William T. Legg Defendants in ejectment for this that on the 1st day of November 1859. the said Plaintiff was possessed of a certain tract or parcel of land containing by estimation fifteen thousand nine hundred and fifty acres situated of Lee and Scott on the waters of Powels and Clinch rivers and bounded as follows to wit: Beginning at a large white oak, dogwood, hym, and white walnut on a small rise east of a branch of Powels river in the Wild cat valley about one mile from the dividing ground that divides the above mentioned branch and the heads waters of the North fork of Clinch thence S 18 W. 200 poles crossing a branch to an ash and two white walnut saplings thence S 46 W 50 poles crossing three branches of the North fork of Clinch to a sugartree dogwood & beech in a flat thence S 35 W 190 poles to a maple and Spanish oak on a ridge thence S 56 W 142 poles to two beeches and two dogwoods in a flat thence S 29 W 36 8

poles crossing a large branch to a poplar and two dogwoods on a hill side thence S 35 E 160 poles crossing the north fork of Blinch four times to a large beech white oak and small sugartree on the bank of a dry branch thence S 19 E 136 poles crossing a large spring branch to a spanish oak on a hill side thence S 51 E 156 poles crossing two branches to a sugartree and three beeches one on the road and crossing the same that leads from the flat Lick to the Rye cove thence N 55 E 140 poles to two beeches and a mulberry on the side of a hill thence N 68 E 240 poles to two buckeyes and a white walnut near the road thence S 32 E 139 poles down Stock creek to two beeches and a sugartree on a point thence N 41 E 240 poles crossing Stock creek to a white oak two chestnuts and a cucumber on the top of Cove ridge near the road that leads to the Rye cove on Russell (now Scott) county thence N 2600 poles to a stake thence S 51 W 815 poles to the beginning with the appurtenances and being so possessed thereof afterwards to wit: on the 4th day of November 1859. in the counties

of Lee and Scott aforesaid the said defendants entered into the said premises and unlawfully withholds from the Plaintiff the possession thereof to his damage $3000.00 and therefore he brings suit, The Plaintiff claims title to the premises in this declaration described in fee.

Hagan, Peter & Johnston, Campbell & Johnston & Campbell and Bakers for Plaintiff.

To Russell W. Legg Dale & Legg and William T. Legg. Take notice that on the first monday in February next at rules in the clerks office of the county court of Lee county the foregoing declaration will be filed in the said clerks office of the said county court of Lee county in which court the said action of ejectment will be prosecuted December 4th 1859.

Hagan, P. & Johnston, Campbell & Johnston & Campbell & Bakers for Plaintiff

Teste John R. Gibson clerk

Issue rule against Defts to appear & plead at the next March rule day & Rule to be served on Defts by Sheriff

Henry S. Kane
vs
Ejectment
Russell W. Legg. Dale
C. Legg & Wm J. Legg.

December the 29 / 59
Executed on Russell
Legg by leaving a copy with
Deft wife and explaining
the same and on Dale C.
Legg by leaving a copy with
his wife and explaining
the same and on William
J. Legg by handing him
a copy

Samuel L. Saul D.S.

A copy Test John R. Gibson
clerk.

Objected to,

Duncan & Duncan,
for Dfts

1859.

1860. Fil D. Filed & Ex. C.
& Rule to plead
" March E. D. Confd with
enquiry awarded
" March Continued
" June Jud for the Pltf,
without costs

C 2.68
A 3.00
S 3.00
J 1.00
$11.68

We the undersigned do hereby certify to Henry S. Kane that we do not claim any of the land that he has instituted suits in the County Court of Lee County against us for; & that we claim no lands embraced in his surveys either in the Maccrady or Taylors surveys owned by said Kane. ~~& we further~~ agree that said Kane will not take costs against us in the suits that he has brought; we will not make any defence in the cases, above named Given under our hands & seals this 22nd day of February 1860

Teste
John W Stallard,

William T Legg (Seal)

Dale C Legg (Seal)

Russell W. Legg (Seal)

Virginia Lee County Court Clerk's office Feby 10th 1888.

The foregoing agreement bearing date Feby 22nd 1860, between William T. Legg, Dale C. Legg & Russell W. Legg of Lee County Va. and Henry S. Kane of Scott County Va. was this day filed in this office and admitted to record.

Teste John R. Gibson Clerk.

with this Mineral option, filing copy
attached

Wm J Legg &c

To } agreement
} disclaiming
} land

H S Kane

Recorded in Deed
Book No 23 P. 105.
J. R. Gibson Clerk

Objected to, —
N & S. atty
for Oth

Robert Brooke Esquire Governor of the Commonwealth of Virginia, To all to whom these presents shall come, Greeting Know ye that by virtue of two Land Office Treasury Warrants numbers eleven hundred and thirty four and one thousand and forty eight issued the second and thirteenth days of January one thousand seven hundred and ninety five there is granted by the said Commonwealth unto John Johnson a certain tract or parcel of Land containing sixteen thousand one hundred acres, by survey bearing date the twenty fourth day of April one thousand seven hundred and ninety five lying and being in the County of Lee, and bounded as follows towit - Beginning on a flat rise at two white oaks and two black oaks Cols Arthur Campbells Corner and running thence, North fifty degrees East three hundred and ninety eight poles [illegible] passing through a good deal of Rich soil and good timber to a black oak and maple, East one hundred and fifty poles crossing a branch at sixty six poles to a beech in a valley North sixty degrees East two hundred and ten poles crossing a large branch a fork of Black water at one hundred and ninety poles to a Cucumber sugar tree and double lynn South fifty five degrees East two hundred and eighty six poles to a birch, poplar, white oak and small bay near a branch & small meadow, North fifty degrees East three hundred and thirty six poles crossing a branch at thirty eight poles to a locust hickory and red oak near a branch, North sixty degrees East two thousand four hundred and fifty six poles crossing a branch at one hundred and forty poles and a branch at six hundred and forty poles, and a small branch at sixteen hundred poles, and a branch at nineteen hundred and eighty eight poles and a branch at two thousand

and seventy two poles being all the waters of the North fork of Clinch River to three large white oaks on the head of a hollow, North thirty six degrees East one hundred and ninety four poles to three white oaks and a red oak supposed to be Hoosier corner and with his line North thirty three degrees East four hundred and sixty four poles crossing a branch at two hundred and seventy two poles passing through rich land to a poplar & white oak North twenty eight degrees East one hundred and thirty six poles crossing a branch at forty eight poles passing through rich land to a white walnut, beech and white hickory on the bank of the North fork of Clinch, North eighteen degrees West one hundred and ninety two poles to two white oaks and a dogwood on a hill side North sixty degrees East thirty two poles to a cucumber, white hickory and beech on John McCreadie's line and with his line North thirty five degrees West seven hundred and forty poles crossing the North fork of Clinch three times to a poplar and dogwood in a hill side, South eighty degrees West six hundred and seventy poles crossing a branch at ninety four poles and a branch at two hundred and forty poles running said McCreadies line and passing through rich soil and good timber to a chestnut, chestnut oak and birch, South fifty three degrees West seven hundred poles to four white oaks, South twenty four degrees East two hundred & twenty six poles passing through rich sand & lime stone gravel to a chestnut a black oak and large poplar, East two hundred and sixty poles crossing a head branch of Wallins Creek at ninety eight poles through very rich soil to a double poplar, North forty five degrees East two hundred and thirty six poles passing through rich soil to a poplar sugar tree & dogwood near a lime spur, South eighty degrees East five hundred and eighty poles crossing a spring branch at one hundred and twenty eight poles and a branch at two hundred and ninety two poles and a branch at four hundred and sixty poles passing through good soil to a sugar tree three lynns and a dogwood South five degrees West two hundred and sixteen poles crossing a large branch at one hundred and eighty poles to three lynns and buckeye, South thirty five degrees West seventy eight poles to a lynn and red oak on good land among sugar trees, South sixty degrees West nine hundred poles to a large red oak two lynns and a cucumber in rich soil among sugar trees &c South seventy four degrees West one hundred and sixty four poles to a buckeye and white walnut South fifty degrees West three hundred and twenty poles crossing a spring at sixty poles to two dogwood & sabrich, South fifty five degrees West five hundred and eight poles crossing a spring at forty poles to three beech & one sixty five degrees West fourteen hundred poles crossing a branch at two hundred and fifty six poles, a branch at two hundred and eighty poles, a branch at four hundred and sixty poles, a branch at six hundred and ten poles, a branch at six hundred and eighty poles a large branch at eight hundred and ninety four poles, and a large branch at one thousand and seventy eight poles to a large poplar and beech in rich land among sugar trees, South thirty five degrees West sixty poles to two poplars and a cucumber in the edge of a hurricane, thence South seventeen degrees West five hundred and twenty four poles to the beginning, But it is always to be understood that the survey upon which this grant is founded includes one thousand acres which having a preference by law to the warrants and rights upon which this grant is founded, liberty is reserved that the same shall be firm and valid and may be carried into grant or

grants and this grant shall be no bar in either law or equity to the confirmation of the title or titles to the same as before mentioned and reserved, With its appurtenances, To have and to hold the said tract or parcel of Land with its appurtenances to the said John Johnson and his heirs forever, In Witness whereof the said Robert Brooke Esquire Governor of the Commonwealth of Virginia hath hereunto set his hand and caused the lesser seal of the said Commonwealth to be affixed at Richmond on the thirtieth day of January in the year of our Lord one thousand seven hundred and ninety six and of the Commonwealth the twentieth

Robert Brooke

Richmond Feby 6th 1856.

I certify that the foregoing is a copy from the [illegible]

S. N. Parker,
Reg. L. Office

$1.75

Copy of Grant to John Johnson for 16100 acres of land in Neg. County on Hat Lick

Plat copy of survey is on file in this office
Feby 18 1891
[illegible]
[illegible]

(1)

Mr McElhaney

This Indenture made this fourth day of November in the year of our Lord 1796 between John Johnson Esquire of the Township of Washington and county of Franklin in the State of Pennsylvania of the one part, and Major Nathaniel Taylor of the county of Lauderdale and State of Tennessee, Whereas the commonwealth of Virginia, by virtue of land office treasury warrants number Eleven hundred thirty four, and one thousand and forty eight, did grant unto the said John Johnson, a certain tract or parcel of land containing sixteen thousand one hundred acres by survey bearing date the 26th day of April 1795 (lying and being in the county of Lee and bounded as followeth (to wit) Beginning on a Flat rock at two white oaks and two Black oaks Col. Arthur Campbells corner, and running thence No E 398 poles crossing a branch at 248 poles passing through a good deal of rich soil and good timber to a black oak and Maple E 150 poles crossing a branch at 66 poles to a Beech in a Valley N 60 E 210 poles crossing a large branch a fork of Black water

at 190 poles to a buckeye, sugartree and double Lynn S 53 E 286 poles crossing a branch poles to a bunch white oaks poplar and small beech near a branch and small medows N 50 E 336 poles crossing a branch at 38 poles to a Locust hickory & Red oak near a branch N 60 E 2456 poles crossing a branch at 140 poles and a branch at 640 poles and a small branch at 1600 poles and a branch at 1988 poles and a branch at 2072 poles being all the waters of the North Fork of Clinch river to three large white oaks in the head of a Hollow N 36 E 194 poles to three White oaks and a Red oak supposed to be Hovers corner and with his line N 33 E 464 poles crossing a branch at 272 poles passing thrugh Rich lands to a poplar and white oak, N 28 E 136 poles crossing a branch at 48 poles passing through Rich ground to a White walnut beech & white hickory on the bank of the North Fork of Clinch N 18 W 192 poles to two white oaks and a dogwood on a hill side N 60 E 32 poles to a buckeye, White hickory and beech on John McBridies line and with the same N 35 W 740 poles

crossing the forth forth of Clinch Three times to a poplar and three dogwoods on a hill side S 80 W 670 poles crossing a branch at 94 poles and a branch at 240 poles, leaving said McBride's lines and passing through Rich soil and good timber chesnut, chesnut oak and birch S 65 W 700 poles to four white oaks, S 24 E 226 poles passing through rich land and limestone gravels to a chesnut and black oak and large Poplar E 260 crossing a head branch of Wallings branch at 98 poles through very rich soil to a double poplar S 85 E 236 poles passing through rich soil to a poplar, sugartree and dogwood near a fine Spur S 80 E 580 poles crossing a Spring branch at 128 poles and a branch at 172 poles and a branch at 460 poles passing through good soil to a sugartree Three Lynns and a dogwood S 5 W 216 poles crossing a large branch at 180 poles to Three Lynns and Buck-eye S 35 W 78 poles to a Lynn and Red oak in good land among sugar trees S 60 W 900 poles to a large red oak two Lynns and hemmlor in Rich soil among sugartrees, + S 74 E 168

poles to a Buckeye and white walnut S 55 W 320 poles, crossing a Spring at 60 poles to two Dogwoods and a hickory S 55 W 528 poles crossing a Spring at 240 poles to three buckeyes S 65 W 1400 poles crossing a branch at 256 poles, and a branch at 280 poles and a branch at 410 poles and at a branch 610 poles and at a branch at 680 poles and a large branch at 874 poles, and a large branch at 1078 poles to a large poplar in rich land among sugar trees S 35 W 60 poles to two poplars and a cucumber in the edge of Hawkins S 17 W 524 poles to the Beginning. but is always to be understood that the survey upon which this grant is founded includes one thousand acres of prior claims which having a preference by law, to the warrants and rights upon which this grant is founded liberty is reserved that the same shall be firm and valid, and may be carried into grant or grants, and this grant shall be no bar in either Law or equity to the confirmation of the title or titles as before mentioned and reserved as in and by the sd. patent, dated the 20th.

day of January in the year of Our Lord 1796. Reference thereto had will at large appear. Now this indenture witnesseth that the said John Johnson Esquire for and in consideration of the sum of forty pounds lawful money of the State aforesaid to him well and truly in hand paid by the said Nathaniel Taylor at and before the sealing and delivery of these presents, the receipt and payment whereof is hereby acknowledged hath granted bargained sold alienated enfeoffed, Released and confirmed and by these presents doth bargain sell alien enfeoff release and confirm unto the said Nathaniel Taylor his heirs and assigns all that within tract of land, containing sixteen thousand one hundred Acres. (Excepting as within Excepted) Together with all the and singular the members and appurtenances, whatsoever to the same belonging or in anywise appertaining, and the reversion and Remainders, rents issues and profits thereof also all the estate right title Interest property claim and demand whatsoever of him the said

John Johnson his heirs off. in to or out of the same. To have and to hold the aforesaid Tract of land, bounds and limited as aforesaid hereditaments and premises, with the appurtenances unto the said Nathaniel Taylor his heirs and assigns to the only proper use benefit & behoof of him the said Nathaniel Taylor his heirs & assigns forever &. the said John Johnson for himself and his heirs doth covenant and agree to and with the said Nathaniel Taylor his heirs & assigns by these presents, That he the said John Johnston and his heirs the above and within bargained & sold premises with the appurtenances unto the said Nathaniel Taylor his heirs and assigns forever against him the said John Johnson and his heirs and ~~against~~ any person claiming under him shall & will warrant & defend. In witness whereof the said John Johnson hath hereunto set his hand and seal dated the day and year aforesaid

Sealed & delivered in the presence of us.
Jno Scott
John Riddle.

John Johnston Seal

Recd on the day of the date of the above written Indenture of the within named John Johnston, Nathaniel Taylor the sum of Forty pounds in full of the consideration money within mentioned
Test
Jno Scott } £40. John Johnston.

Franklin County.
State of Pennsylvania } On the 4th day of November A.D. 1796. before us the subscribers two of the Justices of the peace in & for this County, came John Johnson in the foregoing indenture named and acknowledged the same to be his act and deed to the intent it may be recorded as such agreeable to Law.
In Testimony whereof we have hereunto set our hands and seals the day of the date aforesaid.

Jno Scott
John Riddle.

At a court held for Lee county the day of February 1799, This Indenture of bargain and sale from Johnston to Nathaniel Taylor was Exhibited in Court and ordered to be recorded.

Test Saml. Ewing D.C.

A copy of the record Teste John R. Gibson Clerk.

Nathaniel Taylor
Jr. } Copy Deed
John Johnston
Deed Book 1 P. 130

This deed is offered to as evidence in this case.
Dec 1st 1891
Duncan & Duncan
for Defts

(2)

$2.00

This Indenture, made and entered into this The day of November in the year ~~of~~ our Lord one thousand eight hundred and fifteen, by and between Nathaniel Taylor by his agent A Johnson of the County of Carter and state of Tennessee of the one part, and Jacob Mitham of the County of Scott and state of Virginia of the other part. Witnesseth that for and in consideration of the sum of two hundred dollars to me in hand paid the receipt whereof is hereby acknowledged. I the said Taylor by my agent A. Johnson have bargained and sold and by these presents do bargain and sell unto the said Mitham a certain tract or parcel of of land in the County of Scott and on the north west side of the North-fork of Clinch river and bounded as follows (viz) Begining on the top of Powells mountain where the waggon road now crosses said mountain that leads from Scott Court house and Lee Court-house and that passes by where John McKinney Esqr., now lives, and Thomas Rodgers now lives also, and running with the said road until it crosses the North fork of Clinch river where John McKinney now lives and thence up the ~~[illegible]~~ meanders of the said North fork until

it strikes a line of John McGrady & Nathan Fields where they cross said North forks thence a Northwesterly course with said lines, until it strikes a line of John Johnsons survey of 16,100 acre survey that lies on Powels mountain and thence with said Johnsons line until where it crosses the top of Powels mountain and thence a Westerly course along the top of said mountain with the several different courses of the top of said mountain until it comes to the Beginning containing two thousand acres be the same more or less after excepting all such lands within said bounds as is held by an older title, and such as have been legally sold out by said Taylor or agents and after excepting all such claims to contain two thousand acres within said bounds be the same more or less, being a part of the 16,100 acres survey in the name of John Johnson and Company from Johnson to said Taylor which tract or parcel of land; I the said Taylor with warrant and defend from myself and my heirs executors and administrators, unto him the sid Molchan his heirs & assigns and more plainly to be understood I the said Taylor am not bound for the

payment of any taxes that is due or may accrue on or against said land. In Testimony whereof I the said Taylor by my agent have hereunto set my hand and seal the day and date first above written, signed and sealed in presence of us.

Nath.l Taylor (Seal)
by his agent A. Johnson,

This day Allen Johnson acting agent for Nath.l Taylor produced a deed and acknowledged for said Nath.l Taylor of the one part and Jacob Witham of the other part acknowledged before us Thomas Waddle and John McKinney two of the acting Justices of the Peace for Scott County this 10th November 1811.

Thomas Waddle J.P.
John McKinney J.P.

A Copy,
Teste:
L. S. Morison D.C.

fee for Copy. 50 cents

Nathl Taylor by &c

vs

Copy of Deed

252

Jacob Mitham

Fee for Copy .50cts

B 1 P 102

(3)

Power of atty from Tyler to Johnson. Must be accompanied by a to make the deed.

This deed is rejected to be cause no authority is shown to be vested in A Johnson to convey said land be cause no evidence is offered to show that it covers any of the land in dispute in fact the deed itself shows that it does not cover it as the land in dispute is on the North East side of the North fork Mar ch 28th 1890 (Open)

Dunnam for Deft

and be cause the certificate of a acknowledgement is dated 4 years before said deed bears date.

Dunnam for Defts

This Indenture made and entered into, this the - day of November in the year of our Lord, One Thousand Eight Hundred and Fifteen, by and between Nathaniel Taylor by his agent, A. Johnson of the County of Carter and State of Tennessee, of the one part, and Jacob Mitchaw of the County of Scott and State Virginia of the other part, Witnesseth; That for and in consideration of the sum of Two Hundred Dollars to me in hand paid, the receipt whereof is hereby acknowledged, I the said Taylor by my agent, A. Johnson, have bargained and sold and by these presents do bargain and sell unto the said Mitchaw a certain tract or parcel of of land in the County of Scott, and on the Northwest side of the North fork of Clinch River, and bounded as follows; (viz) Beginning on the top of Powell Mountain where the wagon road now crosses said mountain that leads from Scott Courthouse to Lee Courthouse, and that passes by where John McKenney Esq. now lives, and Thomas Rogers now lives also, and running with the said road until it crosses the North fork of Clinch River where John McKenney now lives, and thence up the meanders of the said North fork until it strikes a line of

John McCrady & Nathan Fields where they cross said North fork, thence a northwesterly course with said lines until it strikes a line of John Johnson survey of 16 100 Acre Survey, that lies on Powels Mountain, and thence with said Thomas Johnsons line until where it crosses the top of Powels Mountain, and thence a westerly course along the top of said mountain with the several different courses of the top of said mountain until it comes to the Beginning, containing Two Thousand acres be the same more or less, after excepting all such lands within said bounds as is held by an older title, and such as have been legally sold out by said Taylor or Agents and after excepting all such claims to certain Two Thousand acres within said bounds, be the same more or less, being a part of the 16 100 acres survey in the name of John Johnson and Company, from Johnson to said Taylor which tract or parcel of land, I the said Taylor will warrant and defend from my self and my heirs Executors and administrators unto him the said Molchan his heirs & assigns and more plainly to be understood, I the said Taylor am not bound for the payment of any taxes that is due, or may accrue on or against said land

In testimony whereof I the said Taylor by my agent have hereunto set my hand and seal, the day and date first above written &c,

signed and sealed in presence of us.

Nath.l Taylor (Seal)
by his Agent,
A. Johnson

This day Allen Johnson acting agent for Nath.l Taylor produced a deed and acknowledged, for said Nath.l Taylor of the one part, and Jacob Millhiser of the other part, Acknowledged before us Thomas Waddle and John McKinney two of the acting Justices of the Peace for Scott County this 10th November 1811.

Thomas Waddle J.P.
John McKinney J.P.

A Copy
Teste
L.M. Carter Clerk
By N.M. Horton D.C.

Nathan Taylor by &c

To } Deed

Jacob Mitham

Fee for Copy $0.60

Not evidence for any purpose only respectly.

Duncan Lewis

No power of atty shown from Taylor to Johnson authorizing him to sell or convey

(3)

This Indenture made this fourteenth day of July in the year of our lord thousand eight hundred and seventeen Between Jacob Miliham of the County of Scott in the Commonwealth of Virginia of the one part and Daniel Blakemore of the County and State aforesaid of the other part Witnesseth that the said Jacob Milliham for an in consideration of the sum of fifteen hundred dollars to him in hand paid by the said Daniel Blakemore the receipt whereof he doth hereby acknowledge doth bargain and sell unto the said Daniel Blakemore a certain tract or parcel of land lying and being in the county of Scott Virginia on the north side of the north fork of Clinch River and bounded as followeth (to wit)

Begining on the top of Powels Mountain where the waggon road now crosses said Mountain. That leads from Scott Court-house to Lee Court-house & that passes by where John McKinny Esqr. now lives and also where Thomas Rodgers now lives and also Running with the said Road untill Crosses the north fork of Clinch River where John McKinney now lives and thence up the meanders of said north fork untill it strikes a line of John McBrady and Fields where they cross said North

fork thence a north west Coast with said line untill it strikes a line of John Johnstons survey of 16,100 acres survey that lies on Powells mountain and thence with said Johnstons line untill when it crosses the top of Powels Mountain & thence a westerly course along the top of said Mountain with the several different courses of the top of said Mountain to the Begining containg two thousand acres be the same more or less it being the same land which was transfered from Nathaniel Taylor by his agent A. Johnston to the said Jacob Milliham and being apart of a 16,100 acre survey in the name of John Johnston and conveyed from said Johnston to said Taylor containg as aforesaid two thousand acres more or less after excepting all such land as or held by a norder title & such has been legally sold out by said Taylor or Agent and after excepting all such claims which tract or parcel of land the said Jacob Milliham will and shall warrant and forever defend from himself and heirs and administrators. and from the Claim or claims of the said Nathaniel Taylor his heirs and administrators unto him the said Daniel Blakemore

his heirs and assigns. In Witness my ~~administrators and form~~ whereof the said Jacob Miliham have hereunto set his hand and seal the day and year first above written.

Jacob his Miliham (Seal)
Mark

A Copy,
Test:
J. J. Morison D.C.

Fee for Copy fifty Cents

Daniel Blakemore

From Deed Copy
252

Jacob Milcham

Fee for Copy 50cts

B2 P77

(4)

This paper is rejected because not acknowledge and because it could not be recorded properly - and a copy from an improperly recorded paper is not admissible as evidence for any purpose

March 28th 1890

C. T. Duncan for Defts.

This Indenture, made and entered into this 13th day of February in the year of our Lord one thousand eight hundred & twenty two By and between Daniel Blackmore of the County of Scott and State of Virginia of the one part, and Jacob Miliham & Walter of the County and State aforesaid of the other part. Witnesseth that for and in consideration of the sum of fifteen hundred dollars to me in hand paid the receipt whereof is hereby acknowledged the said Daniel Blackmore have bargained & sold and these presents do bargain and sell unto the said Jacob Miliham and Walter Miliham a certain tract or parcel of land in the said County of Scott and on the north-west side of the North fork of Clinch River and bounded as follows viz: Beginning on the top of Powels Mountain where the waggon road now crosses said Mountain that lead from Scott Court-house to Lee Court house and that passes by where John McKinney Esq. now lives & Thomas Rogers Esq., now lives also and running with the said road untill it crosses the North-fork of Clinch River where John McKinney now lives and thence up the meanders of the said North fork untill it strikes a line of John McKinney and

Nathaniel Fields where they cross said North fork thence a north westerly course with said lines untill it strikes a line of John Johnson survey of 6000 acres survey that lies on Powels mountain and thence with said Johnsons line untill where it crosses the top of Powels mountain, and thence a westerly course along the top of said mountain untill it crosses to the Begining containing two thousand acres be the same more or less after excepting all such lands within said Bounds as are held by an older claim & such as have been legally sold out by Nathaniel Taylor or his agents and after excepting all such claims to contain two thousand acres within said bounds be the same more or less being part of a 16,100 acre survey in name of John Johnson and conveyed from Johnson to Nathaniel Taylor which tract or parcel of land I the said Daniel Blackamore warrant and defend from myself and my heirs executors and administrators to the said Jacob Miliham and Walter Miliham their heirs & assigns to have & to hold all the appeurtenances thereto belonging and the forge where said Blackmore now lives in testimony whereof I the said

Daniel Blackmore have hereunto set my hand and seal the day and date above written

Test Daniel Blackmore (Seal)

Virginia

At a Court continued & held for Scott County the 14th day of February 1822

This Indenture of bargain and sale from Daniel Blackemore to Jacob Williham and Walter Williham was acknowledged in Court by the said Daniel Blackemore to be his act and deed and ordered to be recorded.

Test John J. Martin D.C.

A Copy
Test L. J. Monson D.C.

Fee for Copy 60 cts

Jacob Milliham et al

from Deed Copy

252

Daniel Blackmore

Fee Copy, 60 cts

2 — 331

This deed is objected to because there is no legal evidence that the said Blackmore had any title thereto, and because there is no evidence whatever that this deed covers any part of the land in dispute in this case.

March 28th 1890

C. T. Duncan for Defts

(5)

This Indenture made this 1st of August in the year of our Lord 1825 Between Walter H. Mileham of the County of Scott and State of Virginia of the one part and William King of the County and state aforesaid of the other part, Witnesseth that the said Walter H. Mileham for and in consideration of the sum of fifteen Hundred dollars to him in hand paid the receipt whereof he doth hereby acknowledged have granted, bargained, sold & delivered unto the sd. William King his heirs and assigns part of a certain tract or parcel of land lying and being in Scott County on both sides of the North-fork of Clinch river bounded as follows to wit Begining on Briders line on the east side of the Creek thence with the line S.W. to the top of Bowls Mountain, thence with the top of the Mountain to the Mill path croping s. mountain to Duffs thence E. to McCradys line, thence with McCradys line to the Begining so as to include two thousand acres with the mill and Ironworks half of sd. land and works together with its appurtenances to the sole use and behoof of him the said William King his heirs and assigns forever and the sd. Walter H. Mileham for

himself and his heirs doth covenant and agree with the said William King and his heirs that he the said Walter H. Mileham and his heirs half of the said tract or parcel of land with all its appurtenances unto the sd. William King and his heirs and assigns and forever defend against the right or claim of all persons whatever. In witness the said Walter H. Mileham and Annis his wife have hereunto subscribed their names and fixed their seals the day and year first above written.

This day this acknowledgment made before us Justices of the Peace for sd County. Jonathan Hale
Thomas Rogers

Walter his X mark H. Mileham (seal)
Annis her X mark Mileham (seal)

Scott County to wit:

We Jonathan Hale and Thomas Rogers Justices of the Peace in the County aforesaid and State of Virginia do hereby certify that Walter Mileham and Annis his wife parties to a certain deed bearing date on the 1st day of August 1825 and hereto annexed personally appeared before

us in our County aforesaid and acknowledged the same to be their act and deed and desired us to certify the said acknowledgment to the Clerk of the County court of aforesaid in order that the said deed may be record. Given under our hands and seals this fourth day of January 1825.

Jonathan Hale (seal)
Thomas Rogers (seal)

Virginia:
In the Clerks Office of Scott County the 12th. day of January 1826
This Indenture of bargain and sale from Waller H. Milham and Annis his wife to William King was received in the Clerks Office and admitted to record.

John S. Martin, D.C.

A Copy,
Teste:-
D.J. Monison D.C.

Fee for Copy Sixty Cents.

William King
from Deed
Copy
252

W H Milham & wy
Fee for Copy. 60 cts
34 186

This deed is excepted to because there is no evidence that Walter H Milham had title to said land and no evidence that said tract has attempted to be conveyed touches the land in dispute or any part of it
March 28th 1890
C. T. Duncan for Dft

(L)

This Indenture made this 9th day of September 1826: Between William King of Scott County and state of Virginia of the one part and Ruben McCully high Sheriff of the County and state aforesaid of the other part, Witnesseth; whereas the aforesaid William King hath this day taken the oath of an insolvent debtor at the suit of William Poteet, Goldmon Davison & Mark Richardson on writs of Capias ad Satisfaciendum doth therefore grant, bargain sell and convey unto the aforesaid Ruben McCully high Sheriff as aforesaid one-half of a certain tract or parcel of land lying and being in Scott County on both sides of the north fork of Clinch river bounded as follows lowit: Beginning on Sniders line on the east side of the Creek thence with the line South west the top of Powels Mountain thence with the top of said Mountain to the mill path leaving said Mountain to Duffs thence east to McCreigins line thence with McCradys line to the Begining so as to include two thousand acres with the mill and Iron works and also his interest in one other tract of land known as the Kelly tract of land situate lying & being in the County of Lee and

State of Virginia supposed to contain one hundred and sixty acres, adjoining the lands of Barnett Buchanan, and the one on which his family now resides a suit for the right of which is now pending in the Superior court of Chancery to be holden at Wythe Courthouse, with all the appurtenances to have and to hold the said tract of land and premises unto the said Ruben McCully, Sheriff as aforesaid his heirs and assigns the said William King doth warrant and will forever defend from all persons whever. In witness whereof the said William King hath hereunto set his hand and affixed his seal the day and date first above written.

William King (Seal)

Virginia:

In the Clerks office of Scott County the 9th day of September 1826

This Indenture of bargain and sale from William King to Ruben McCully Sheriff of Scott County was acknowledged before me by the said King to be his act and deed and admitted to record.

John J. Martin D.C.

A Copy Teste

J. J. Morison, D.C.

William King

to Deed Copy

Reuben McCully

Fee for copy .60

B 3 P 260

This deed is rejected to because the land embraced in it is in Scott County while the land in dispute is in Lee.

Mar 31st 1890 J. Duncan for Dep

(no 7)

This Indenture made and entered into this 10th day of October 1826. Between Reubin McCully high Sheriff of the County of Scott in the State of Virginia of the One part and Henry S. Kane of the County and State aforesaid of the other part. Witnesseth that whereas William King having taken the Oath of an insolvent debtor at the suit of William Patul, Goldman Davidson and Mark Richardson on the 9" day of September 1826 did by indenture bearing date on the said 9th day of September 1826, pursuant to the act of assembly, in such cases made and provided, Bargain and convey to the said McCully Sheriff as aforesaid One half of a certain tract or parcel of land, lying and being in the said County of Scott, On both sides of the north fork of Clinch River, Bounded as follows to wit: Beginning on Snidis line on the east side of the Creek, thence with the line south west to the top of Powells Mountain, thence with the top of said Mountain to the mill path, thence crossing said mountain to Duff, thence east to McCradys line, thence with McCradys line to the Beginning, so as to include

Two thousand acres, with the mill and Iron works, and whereas William H Morison D. for said Rubin McCully Sheriff as aforesaid, having advertised said land according to law, proceeded on the 10th day of October 1876. to sell the same at Public Auction, for cash, when the said Henry S. Kane being the highest bidder became the purchaser of the same, for the sum of Thirty dollars and Twelve and One half cents, Now this Indenture witnesseth that I the said Rubin McCully, Sheriff as aforesaid for and in Consideration of the premises and the said sum of $30.12½ to me in hand paid, the receipt whereof is hereby acknowledged, doth grant bargain and sell unto the said Henry S Kane, the said half of the said tract or parcel of land, with its appurtenances including the mill and Iron works as aforesaid to him and his heirs forever, And the said McCully Sheriff as aforesaid for himself and his heirs doth Covenant with the said Kane and his heirs, that he the said McCully Sheriff as aforesaid, and his heirs all the right title interest and claim which

he hath or is vested in him in consequence of the said conveyance from said King or from his taking the oath of insolvency to the said H. S. Kane and his heirs shall warrant and will forever defend in witness whereof the said McCully, Sheriff as aforesaid has hereunto subscribed his name and affixed his seal, the day and year first above written.

N. B. Enterlined before signed } William H Morison D. for Reuben McCully S.S.C.

Virginia at a Court continued and held for Scott County at the Court house there of the 11th day of October 1826. This Indenture of bargain and Sale from William H Morison D for Reuben McCully Sheriff of this County to Henry S Kane was acknowledged in Court, by the said Morison to be his act and deed, and ordered to be recorded.

Teste

John S. Martin. C.

A Copy

Teste

C. M. Carter Clerk

H. S. Kane

Form 3 Copy of
3 Deed
3 (No 8)

Reuben McCully S.S.C.

Fee for copy 7½ cts

This deed or pretended deed is excepted to because not under seal. because it is executed by Wm H Allen in his and in authority shown in him to convey for Reuben McCully sheriff of Scott County to whom ~~the title~~ Wm King made the conveyance under the insolvent acts, and because there is no evidence that it covers the land in dispute

March 31st 1840 Dunscomb for Defts

This Indenture made, this 2nd., day of January in the year of our Lord one thousand eight hundred and thirty seven between John S. Martin Clerk of the County Court of Scott in the State of Virginia of the one part, and Henry S. Kane of the County and State of aforesaid of the other part: Whereas a certain tract or parcel of land lying and being in the said County of Scott on the north side of Clinch river and containing one thousand acres has been returned delinquent in the name of Jacob Mileham Estate for non-payment of the taxes due thereon for the year 1834, which taxes with the Sheriff's commission thereon amounts to the sum of twenty one Cents.—and the said tract or parcel of land or so much thereof as would be sufficient to discharge the said taxes and commission having been offered for sale by the sheriff of Scott County at Public auction for cash before the front door of the Court-house of the said County of Scott on the 16th day of October 1834, being the second day of the term of the County Court held for the said County, pursuant to law. When the said Henry S. Kane of the second part offered to pay the said sum of twenty one cents for the said tract of land. And no person appearing to pay the same for a less

quantity of land than the said tract, the same was bid off to the said Henry S. Kane for the said sum of twenty-one cents, all of which appears by the return made by George McConnell Jr., deputy for William Kilgore, Sheriff of Scott County to the Clerk's Office of the said County Court, and now remains on file in the said Office. Now this Indenture witnesseth that the said John S. Martin Clerk of Scott County as aforesaid for and in consideration of the said sum of twenty one cents to the said Sheriff in hand paid by the said Henry S. Kane doth bargain and sell to him the said Henry S. Kane the said tract or parcel of land with its appurtenances forever. And the said John S. Martin Clerk as aforesaid by virtue of the authority invested in him by law, doth hereby convey, assign and transfer to the said Henry S. Kane and his heirs all the estate, right, title, interest and claim to the tract or parcel of land aforesaid with the appurtenances which he is authorized to convey under an act of the General Assembly of Virginia, entitled "An Act concerning delinquent and forfeited land, and providing for the sale of land returned delinquent hereafter for the non-payment of taxes," passed March 10th 1832. In

witness whereof the said John S. Martin Clerk as aforesaid hath hereunto subscribed his name and affixed his seal the day and year first herein written.

John S Martin, Clerk (Seal)
of the Court of Scott County.

Scott County S.S.

We James H. Stewart and Andrew Campbell justices of the Peace in the County aforesaid in the State of Virginia do hereby certify that John S. Martin Clerk of the County Court of the said County of Scott a party to a certain deed bearing date on the 2nd day of January 1837 and hereto annexed personally appeared before us in our County aforesaid, and acknowledged the same to be his act and deed and desired us to certify the said acknowledgment to the Clerk of the County Court of Scott, in order that the said deed may be recorded.

Given under our hands and seals 2nd day of January 1837.

James H Stewart (Seal)
Andrew Campbell (Seal)

The foregoing deed and certificate was received in the Clerks Office of Scott County on the 2nd

Henry J. Kane
252
from Deed Copy

John J. Martin Clerk
B5 P297
Fee for Copy .75 cts

This deed is objected to on account there is no evidence That said tract of land was ever returned delinquent no evidence of the sale there of No such proceedings as the law required for the sale no evidence of where said land is located or that it comes any of the land in dispute in this case
March 28th 1890
C. T. Duncan for Defs

No 19

day of January 1837 and recorded forward.
Attest John J. Martin Clerk
By Geo. J. McMillan D.C.

List of Land sold for the non payment of the Taxes Charged there on in the County of Scott for the present year 1854
This 16th Day of October 1854.

Names of Persons Charged with the Taxes	Quantity of the Land Charged	Local Discription of the Land	Amt of the Taxes Due	Name of the Purchas	Quantity purchased	amount of purchase money
Jacob Nickham Est	1000	North fork Clinch	20 85	H. S. Ram	1000	$0 = 21
						$0 = 21

Rec of Henry S. Ram ~~twenty one cents~~ the above sum of twenty one cts it being the amount of purchase money for the above Land Sold for the non payment of Taxes Due there on for the year 1854 pursuant to an act of assembly in that case made and provided

George McCorkle pr H.S.
for
Wm Kilgore S.S.C.

This thing is objected to because there is no evidence that the signature thereto is that of the Sheriff of Scott County or any of his deputies nor is there any evidence that said land was ever returned delinquent or sold as such Octo 23rd 1893. Thos. Swan for Depts.

Sheriff

Jos Platt for pure
chase money of
certain land

H J Kane

No 9

See explanation
inside.

This Indenture made this 2nd day of January in the year of our Lord one thousand eight hundred and thirty seven, between John S Martin Clerk of the County Court of Scott in the State of Virginia of the one part; and Henry S Kane of the County and State aforesaid of the other part, Whereas a certain tract or parcel of land lying and being in the said County of Scott on the North fork of Clinch river and containing one thousand acres, has been returned delinquent in the name of Jacob Williams estate, for non payment of the taxes due thereon for the year 1834, which taxes with the Sheriffs Commission thereon amounts to the sum of twenty one cents — and the said tract or parcel of land or so much thereof as would be sufficient to discharge the said taxes and commission, having been offered for sale by the sheriff of Scott County at public auction for Cash, before the front door of the Courthouse of the said County of Scott on the 16th day of October 1834 being the second day of the term of the County Court held for said County, pursuant to law; when the said Henry S Kane of the second part, offered to pay the said sum of twenty one cents for the said tract of land, and no person offering to pay the same for a less quantity of land than the said tract, the same was bid off to the said Henry S Kane for the said sum of twenty one, all of which appears by the return made by George M Connel jr deputy for William Kilgore Sheriff of Scott County to the Clerks office of the said County Court, and now remains on file in said Office.

Now this Indenture witnesseth that the said John S Martin Clerk of Scott County as aforesaid, for and in consideration of the said sum of twenty one cents to the said Sheriff in hand paid by the said Henry S Kane, doth bargain and sell to him the said Henry S Kane the said tract or parcel of land with its appurtenances forever. And the said John S Martin Clerk as aforesaid by virtue of the authority invested in him by law, doth hereby convey, assign and transfer to the said Henry S Kane and his heirs, all the estate, right, title, interest and claim to the tract or parcel of land aforesaid, with the appurtenances, which he is

authorized to convey under an act of the general assembly of Virginia, intitled "An act concerning delinquent and forfeited lands, and providing for the sale of lands returned delinquent hereafter for the non payment of taxes", passed March 10th 1832.

In witness whereof the said John S Martin Clerk as aforesaid hath hereunto subscribed his name and affixed his seal, the day and year first herein written.

John S Martin Clerk (Seal)
of the Court of Scott County

Scott County Sct.

We James H Stewart — and Andrew Campbell — Justices of the peace in the County aforesaid in the state of Virginia, do hereby certify that John S Martin Clerk of the County court of the said County of Scott, a party to a certain deed bearing date on the 2nd day of January 1837 and herein annexed, personally appeared before us in our County aforesaid, and acknowledged the same, to be his act and deed, and desired us to certify the said acknowledgment to the Clerk of the County court of Scott, in order that the said deed may be recorded, Given under our hands and seals this 2nd day of January 1837

James H. Stewart (Seal)
Andrew Campbell. (Seal)

The foregoing deed and certificate was received in the Clerks office of Scott County on the 2nd day of January 1837 and admitted to record.

John S Martin C.S.C.

H. S. Stand

From Deed

Clerk of Scott

Recorded & Ex.

Book 6 Page 297

This deed is excepted to for reasons stated on the copy which is also filed.

Duncan for Deft

(G)

(9)

Virginia: Scott County Circuit Court, on the 22nd day of November 1879.

Sarah Kane Complt. vs H. S. Kane's heirs Defts. } In
Sarah Kane Guard. &c " vs Maggie A. Kane et als " } Chancery

By consent these causes are revived in the name of J. M. Barker who has recently became the husband of Maggie A. Kane, and these causes coming on to further heard &c xxx And it further appearing to the court from the pleadings in these causes that dower to the widow of the estate of her deceased husband is prayed for in said bill, and that same has not yet been assigned, and that partition of said lands among the heirs of H. S. Kane decd. is also prayed for in said bills, It is therefore adjudged ordered and decreed that Isaac Wolfe, Thomas L. Peterson and Ira Creech be and they are hereby appointed Comrs. whose duty it shall be to go upon the lands belonging to the estate of H. S. Kane decd. and assign by proper metes and bounds to Sarah Kane widow of H. S. Kane decd. her dower portion of one third in value of said lands, except the lands that have heretofore been ordered to be sold, by special Comrs. Vance & Wood, about which provision has already been made for the dower of said widow out of same under an agreement signed by said widow, and heretofore filed in said cause, xxxxand said Comrs. Isaac Wolfe, Thomas

L. Peterson and Ira Beech will in assigning said dower so assign and lay off same as that the lands assigned to said widow may be thrown as near together and as much as possible in contiguous tracts, giving to said widow one third in value of said lands quality and quality considered, and including in their assignment to her the mansion house and out houses and lands connected therewith occupied by said H. S. Kane, as his residence during his lifetime, if the same can conveniently be done, The said Comrs. will at the same time that they assign dower to said widow als make partition of all of the lands belonging to the estate of H. S. Kane decd, among the serval heirs of said H. S. Kane decd. to wit: Maggie A. Barker, Hanah Kane, Henry S. Kane jr., Patrick Kane, and Robert Kane giving to each one fifth interest, and in making said partition they will include the remainder interest in the lands covered by the dower of the said widow, Sarah Kane, xxxxxx Said Comrs. are further more directed in making said partition to so ~~make~~ assign each share as interest as to make them equal in value to each other and so as to throw each interest as near as possible in a tract or tracts contiguous to each other, Said Comrs. will make their report to the next term of this court, xxx And the

commissioners to lay off dower, and partition the lands herein mentioned, will give personal notice to all the parties and especially to H. W. Holdeway, Guardian ad litem, before they proceed to act, and it is ordered that the guardian do give special attention to the interest of his wards,

Extract - Teste

S. P. McConnell D. Clk

It appears upon the face of the decree entered in these causes that the name of William Palmer was entered as one of the Comrs. and stricken out and that of Isaac Wolfe interlined above it; yet in the order entered the following term Palmer is referred to as one of the original Comr. which said last order removes & substitutes others,

S. P. M.

Fee for this copy 65¢

S. P. McConnell D. Clk

Sarah Kane Guard &c

vs } Extract Copy Decree.

H. S. Kane's heirs &c

Virginia Scott County Circuit Court, 22nd November 1879.

Sarah Kane Guardian &c vs Maggie A. Kane et al Defts } In
and Sarah Kane Complt vs The heirs of A. S. Kane Dec'd Defts } Chy.

These causes came on &c, And it further appearing to the Court that the Commissioners; William Palmer, Thomas L. Peterson and Ira Creech, appointed in said Court at the August term 1879 to assign dower to the widow, and make Partition according to the Provision of said decree have failed to act the said appointment is hereby revoked and the following Persons are appointed Commissioners in their stead to wit:— R. A. Myers, John M. Johnson S. S. Robinett N. K. Smith, William F. Hickam and Thomas Peterson, any three of whom after being duly Sworn and to impartially Perform the duties hereby required, may act who will Proceed at once to assign dower and make Partition of said lands according to the Provisions of the decree of August Term 1879 aforesaid with this additional that said Commissioners shall Partition all the lands not sold by Commissioners Forbes R. Vance, & J. H. Wood, except the lands embraced in the Patrick & Percell lands & surveys and the Wise County lands and the other lands heretofore decreed to be

said are ordered not to be sold and said Commissioners will make their returnes to the next term of this Court and these causes are continued

Extract Test -
S. P. McCammon Clk

Sarah Kane Guard, &c vs. Maggie A Kane et al } Comm Report of Partition
Sarah Kane, vs. The heirs of H. S. Kane dec'd }

To the Hon John A Kelsey, Judge of the Circuit Court of Scott County

The undersigned of the Commissioners appointed by decree entered in the above causes to lay off and assign the widow Sarah Kane, her dower, in the lands of her deceased husband, H. S. Kane and to Partition the same among the heirs of H. S Kane as it will go at her death as well as to Partition all the other lands of said Estate among the said heirs respectfully report that pursuant to said decree they have laid off and assigned the widow, Mrs Sarah Kane, the following tract and parcels of land Viz:

your commissioners. Then allotted to Isaac. S. Kane, the following described tract and Parcels of land Viz another tract or Parcel of land known as the Willcox or Thompson land lying on the waters of North fork containing 329. acres 1 Rood & 25 Poles & bounded as follows: Begining at a small white oak corner to the tract of land Purchased by C. S. O. Tintsman in a line of the Patrick survey N 85 W 100 Poles to a beech and Elm on the North bank of the Creek N 73 W 113 Poles to a small Chesnut on a Steep Point N 78 W. 24 Poles to a Poplar and chestnut N 45 W 110 Poles to a large double Maple corner to the said Tintsman land thence leaving said land and with John Colliers line N 35 W 24 Poles to a Stake in a line of Colliers land and with same N 31 E 166 Poles to the corner of Colliers fence N 17 W 121 Poles to a Poplar thence with the McCredy line S 35 E 487 Poles to the Beginning.

N.B.

An extract copy
of the Partition in
the Estate of H.A.
Kane Deed,

D.B. 19 P 11 &c

fee for copy 75 cts

Sarah Kane Guard & Complainth, vs Maggie A. Kane et al, Defts } In
Sarah Kane Complainth, The heirs of H. S. Kane Decd Defts } Chy.

This causes came on again this day to be heard upon the Papers heretofore read and upon the report of Thomas L. Peterson, R. A. Ayers and S. P. Robinett Commissioners heretofore appointed by the Court to lay off and assign the widows dower, and to partition the reversion therein as well as all the other lands owned by decedent H. S. Kane among his heirs and was argued by Council, and it appearing that said report has been filed a sufficient length of time without exceptions thereto it is confirmed and it is adjudge ordered and decreed that the said Widow Sarah Kane do take possession of and hold for and during the term of her natural life the several tract of land allotted to her by said Commissioners and described in their report as and for her dower in her said husbands estate, it is further adjudge ~~and~~ ordered and decreed that Maggie A. Barker, Hannah Kane Henry S. Kane, Isaac P. Kane, and Robert R. Kane children and heirs of H. S. Kane, decd do respectively take and hold in fee simple the several parcels or allotments of land to them respectively made by said

Commissioners and described in their said report free from the claims of each other and that said children and heirs of H. S. Kane, decd, do respectively take and hold in fee simple subject however, to the widow dower, the several allotment of the reversion in the dower lands to them respectively made by said Commissioners and described in their report free from the claims of each other, it is further adjudged ordered and decreed that the Clerk transmit a copy of this decree and the report of said Commissioners with such other papers as are required by law to the Clerk of the County Court for record, as a muniment of title to the several parties interested.

Extract Copy
Test —
S. P. McCammell Clerk

And Extract Copy of the Partition of in the Estate of H S Kane decd
B F Johnson Clerk

Clerk's Extract copy
of the Particulars
in the Estate of
H. S. Rand Dec'd.

No. 10

Another tract or parcel of land known as the Willcox or Thompson land lying on the waters of North Fork containing 329 acres 1 Rood & 25 poles & bounded as follows: Beginning at a small white oak corner to the tract of land purchased by G. S. A. Tintsman in a line of the Patrick survey, N. 85 W 100 poles to a buck and elm, on the north bank of the Creek, N. 78 W. 113 poles to a small chestnut, on a steep point, N 78 W 24 poles to a poplar and chestnut. N 45 W 110 poles to a large double maple corner to the said Tintsman's land. thence leaving said line and with John Collier's line N. 35 W 24 poles to a stake in a line of Collier's land, and with same N. 31 E 166 poles to the corner of Collier's fence, N. 17 W. 121 poles to a poplar thence with the McCreely line S 35 E. 487 poles to the Beginning,

An extract Copy of the Commissioners report in the Partition of the lands of Henry S Kane Dec'd,

Teste

Nelson M. Horton Dep. Clk
Scott County Court.

Isaac P. Kane

From { Extract
Copy.

Comrs Report

D.B. 19 P 124

Clerk's fee for copy 20cts.

Filed Octo 25 1892
J. A. L. Hyatt

Sarah Kane Guard & Complainants
vs
Maggie A. Kane et al Defendants } In Chancery
And
Sarah Kane Complainant
vs
The heirs of A. S. Kane Dead, Defendants.

These causes came on again this day to be heard upon the papers heretofore read, and upon the report of Thomas L. Peterson, R. A. Ayers and S. S. Robinett Commissioners heretofore appointed by the Court, to lay off and assign the widows dower and to partition the reversion therein as well as all the other lands owned by decedent, A. S. Kane among his heirs, and was argued by counsel, and it appearing that said Report has been filed a sufficient length of time without exceptions thereto, it is confirmed, and it is adjudged ordered and decreed that the said Widow Sarah Kane do take possession of and hold for and during the term of her natural life, the several tracts of lands allotted to her by said Commissioners, and described in their report as and for her dower in her said husbands estate, It is further adjudged ordered and decreed. that Maggie A. Baker Hannah Kane, Henry S. Kane, Isaac P. Kane, and Robert R. Kane, children and heirs of A. S. Kane Dead, do respectfully take and hold in fee simple the several parcels or allotments

of land to them ~~respectively~~ respectively made by said Commissioners and described in their said report free from the claims of each other, and that said children and heirs of R. S. Kane dec'd. do respectfully take and hold in fee simple, subject however to the widow's dower the several allotments of the reversion in the dower lands to them respectively made by said Commissioners and described in their report free from the claim of each other. It is further adjudged ordered and decreed that the Clerk transmit a copy of this decree, and the report of said Commissioners with such other papers as are required by law, to the Clerk of the County Court for record, as a muniment of title to the several parties interested,

Extract Copy

Teste

S. P. McConnell Clk.

A Copy of Decree Confirming the Commissioners Report in the Estate of R. S. Kane deceased,

Teste

N. McHorton Dep. Clk.

Scott County Court.

Copy of decree in the
Est of H. S. Kaun dec'd

D.B. 19 P 127

Clerks fee for copy 40 cts

Filed Oct 25th 1872
J. A. L. Hyatt

(no 10)

This deed made this the 26th day of May Anno Domini 1887 by and between D. P. Kane of the town of Estillville Scott County Virginia of the first part and William D. Jones of the City of Philadelphia and the State of Pennsylvania of the second part Witnesseth: That for and in consideration of the sum of Five thousand dollars to be paid to the said D. P. Kane by the said Wm D Jones as follows: one thousand dollars in fifteen days, one thousand dollars in six months, one thousand dollars in eighteen months, one thousand dollars in 24 months and one thousand dollars in 30 months from the date of this deed for which several payments the said Wm D Jones has executed his several bonds with even date of this deed bearing interest from date. The said D. P. Kane hereby grants, bargains, sells and conveys unto the said Wm D. Jones with covenants of general warranty the following real estate, to wit: three hundred and thirty acres of land be the same more or less lying in the Wild cat Valley on the waters of the North fork of Clinch river in Scott and Lee Counties, Virginia adjoining

the lands of John Collier, Samuel Ward's heirs and others, being the land on which Dale Legg and Joseph Edens now lives and occupies as the tenants of the said Kane, also a certain other tract of land adjoining the above described tract containing ninety acres be the same more or less lying in Lee County Virginia both of which tracts of land were allotted to the said Kane in the partition of the real estate of the late Henry S Kane amongst his several children and heirs at law. For a more particular description of which lands reference is hereby made to the report of the Commissioners making the partition and the decree entered in the Chancery cause confirming said report. The said Kane expressly reserves a lien hereon until the purchase money is paid. Witness the following signature and seal the day and date first above written.

S P Kane (Seal)

State of Virginia County of Scott.

I, John M. Johnson Clerk of the County Court of Scott County Virginia do certify that S P Kane whose name is signed to the writing above bearing date on the 26th day of May 1887 has acknowledged the same

before me in my Office and County aforesaid.

Given under my hand this the 26th day of May 1887.

J. M. Johnson, Clerk.

Virginia Scott County Court Clerk's Office: This deed for land from D. K. Kane to W. D. Jones bearing date on the 26th. day of May 1887 was received and together with the certificates hereon admitted to record.

Given under my hand this 31st day of May 1887.

J. M. Johnson, Clerk.

A Copy,
Teste:
D. J. Morison, D.C.

Fee for Copy Sixty Cents

S P Kane

~~Fro To~~ Copy of Deed
252

W. D. Jones

Fee for Copy Sixty Cts.

B 24 P 198

This deed is excepted to because it refers to the partition of the lands of H. L. Kane for a particular description of the land allotted to said S P Kane and no assignment is shown

Duncan for Defts

(11)

I H S Kane agree to convey to Rufus W Legg thirty acres off of the north western end of the 100 acre tract of land now in controversy in the suit pending in the circuit court of Lee county in which I H S Kane are Plf and said Legg is Deft there is to be a judgment rendered in favour of said Kane for the said 100 acres tract at the next term and said Kane is afterwards to convey the said thirty acres off of the north western end of said tract to me the said Legg and each party is to pay his own costs in said case Given under our hands this 26th day of Sept 1839

Dale & Legg

Henry S Kane
Rufus W Legg

Russell W Legg

To { Terms of the settlement of suit in Lee County court

H S Kane

(12)

This paper is objected to as being not material for any purpose

D. H. Bisbee

1859 instead of 1857

1

Va Lee County to wit:

Henry S. Kane Plaintiff compl-
ains of Russell W. Legg Defendant in
Ejectment for this that on the 1st day of
January 1859, the said Plaintiff was pos-
sessed of two certain tracts or parcels of
land one of which contains 15950 acres
situated in the County of Lee and
Scott on the waters of Powells and
Clinch Rivers and bounded as foll
ows to wit: beginning at a large
white oak dogwood lynn and
white walnut on a small ridge east
of a branch of Powell's river and
Clinch river in the Wild cat valley
about one mile from the dividing
grounds that divides the above
mentioned branch and the head
waters of the north fork of Clinch S
18 W 200 poles crossing a branch to
an ash and two white walnut
saplings thence S 46 W 500 poles
crossing three branches of the
North fork of Clinch to a sugartree
dogwood and beech on a flat, thence
S 35 W 190 poles to a maple and Spanish
oak on a ridge S 56 W 142 poles to two
beeches and two dogwoods in a flat
thence S 29° W 368 poles crossing a

large branch to a poplar and two dogwoods on a hill side S 35 E 1160 poles crossing the North fork of Clinch four times to a large beech white oak and small Sugartree on the bank of dry branch, S 19 E 136 poles crossing a large spring branch to a Spanish oak on a hill side S 57 E 156 poles crossing two branches to a sugartree and three beeches near the road and crossing the same that leads from the Flat lick to the Rye Cove thence N 55 E 140 poles to two beeches and a mulberry on the side of a hill, thence N 68 E 240 poles to two buckeyes and a white walnut near the road thence S 32 E 189 poles down Stock Creek to two beeches and a Sugartree on a point, thence N 41 E 240 poles crossing Stock Creek to a white oak two Chestnuts and a cucumber tree on the top of the Cove Ridge near the Road that leads to the Rye Cove in Russell (now Scott) County, thence N 2600 poles to a stake, thence S 57° W 815 poles to the beginning, with all and singular the appurtenances, and the other tract contains 2000 acres more or less situated in the County

of Lee and Scott on the north fork of Clinch River and its waters and bounded as follows to wit: Beginning on the top of Powells mountain where the wagon road now crosses said Mountain that leads from Scott Court House to Lee Court house and that passes by where John McKiney now lives and Thomas Rogers now lives also and running with the said road until it crosses the north fork of Clinch River where John McKiney now lives and thence up the meanders of the said North Fork until it strikes a line of John McCready and Nathan Fields where they cross said North fork, thence a Northwesterly course with said line until it strikes a line of John Johnsons 16100. acres survey that lyes on Powells mountain and thence with said Johnsons line until where it crosses the top of Powells Mountain and thence a westerly course along the top of said mountain, with the several different courses of the top of said mountain until it comes to the Beginning with its appurtenances and being so possessed, thereof

afterwards to wit on the 4th day of January 1859, in the Counties of Lee & Scott aforesaid, the said Defendant entered into and upon the said tenements and premises and unlawfully withholds from the plaintiff the possession thereof to his damage $500.00 and therefore he brings suit.

The Plaintiff claims title to the tenements in this declaration described in fee.

Peter C. Johnston,
Campbell Johnston
and Campbell & Breen for
Plaintiff

January 1st 1859.

To Russell W. Legg

Take notice that the foregoing declaration will be filed in the circuit court of Lee County on the first day of the next term of said court in which court the said action of Ejectment will be prosecuted.

Peter C. Johnston, Campbell
Johnston & Campbell and
Breen for Plaintiff.

On the back of the foregoing writ and notice, the following endorsements are made

"Executed by delivering a copy

p 5

of the within declaration & notice to Deft, Russell W. Legg January 20th 1859. Samuel L. Sauc D.S. for A. R. Russell S.L.C.

Decl filed May 9th 1859, in term and counted, R. M. Hamblen Clerk

1859 Octo. term Judgt for Plfft.

—

Virginia

At a circuit court Continued and held for Lee County at the Court House thereof on Saturday the 15th day of October 1859.

Henry S. Kane Plt
against
Russell W. Legg, Deft } In Ejectment

This day came the parties by their attorneys and the Plaintiff having proved by his title papers, to the satisfaction of the Deft. his Right to the surveys in the declaration described. Therefore it is considered by the court, with the assent of the defendant by his Counsel, that the plaintiff recover of the defendant, the One hundred acres of land in controversy claimed by defendant & Covered by Plaintiffs said

Surveys, which one hundred acres is bounded as follows to wit Beginning at a white oak & two small hickories Prestons corner, N 29° E 18 poles to a stake in Taylors line, thence with his line N 78 E 64 poles to a poplar a corner to McCeradys Survey, with a line thereof S 31 E 220 poles to a white oak and poplar, S 33 W 50 poles to a stake in John Pendletons line and with said line N 52 W 100 poles to a white oak corner to said Pendletons & Prestons land and with Prestons line N 11 E 40 poles to a stake N 41 W 135 poles to the beginning and that the plaintiff Moreover recover of the Deft, his costs by him expended in prosecuting this suit.

I J. A. S. Hyatt Clerk of the circuit Court for Lee County, do hereby certify that the foregoing are true Copies of the Declaration on file in my office, and the Judgment of the Court in the above cause, as shown by order Book page 213.

February 29th 1872. J. A. S. Hyatt C

H. S. Lane
vs } Copy of Record.
Russell W. Legg

Filed Feby. 29th 1892
J. C. H. Hyatt Clk

No 12

Obj. did to because not properly filed and not here as evidence for any purpose. and because said Record is not evidence and because there is no evidence to show that the land mentioned in the Declaration for is the land in dispute and on the other hand the report shows

All for Coky Pl. 50

That, the calls in the declaration does not cover the land in dispute

Duncan & Sewell

This Deed made this, the 15th day of May 1871 by M. B. D. Lane commissioner of the one part, and John Collier of the county of Lee, of the other part, Witnesseth: That whereas by a decree rendered in the chancery cause of the said Collier against the heirs of Russell W. Legg and others, at the May term of the circuit court of said county, in the year 1871; the said Lane was appointed a special commissioner to convey for each of the Defts. to the Pltff. the land in the bill mentioned, pursuant to the metes and bounds set forth in the title bond filed as an Exhibit B. with said Bill, Now, therefore, I, the said commissioner in consideration of the premises, do hereby convey unto the said John Collier a certain tract or parcel of land in the Pltff's Bill mentioned said to contain 99¼ acres and bounded as follows: Beginning at a black gum and white-oak on the South side of Wallen's ridge N. 32° 35' E. 150 poles to the middle of a branch at a dogwood, beech, sourwood, and ivy; thence with the meanders of a branch S. 50 E. 52 poles to the mouth

of said branch, thence S 33 W 14 poles & 12 links to a Stake at the corner of a fence S 60-30 E 18 poles and 12 links to a Stake S 75 E 7 poles & 8 links to a Stake S 60-30 E 44 poles to a stake in McCredie's line S 13 E 87½ poles to a white oak S 57 W 35 poles to a conditional line and with the same S 38¾ W 101 poles to a white oak, corner of the Preston tract of land N 84 W 82 poles to the beginning, with all its appurtenances. The above land is conveyed with special warranty Witness the following Signature & Seal:

M. B. D. Lane Special commr

Lee County court, Clerks office the 15th day of May 1871. The foregoing deed from M. B. D. Lane, a commissioner appointed by decree of the Circuit court of Lee County, at the May term thereof, in the year 1871. (in a chancery cause therein pending wherein John Collier was plaintiff, and the heirs of Russell W. Legg and others were defts) of the one part, to said John Collier, of the other part all of Lee County Virginia was this day

acknowledged before me by the said Lane, commissioner, as aforesaid, to be his act and deed for the purposes therein mentioned; and the said deed, being duly stamped, is admitted to record.

Teste James W. Owen

A copy of the Record

Teste John B. Gibbonsellen

Johnie Collier

From } Copy of Deed
M. B. D. Lane Comr

Deed Book 16
P. 291

This deed is excepted to as evidence because it does not cover the land in dispute.

J. W. Orr, for Plff.

"X"

See page 65

This Indenture made this 20th day of November one thousand eight hundred and seventy four between Dale & Legg of the one part and Jehu Collier of the other part both of the County of Lee and State of Virginia Witnesseth that the said Dale Legg for in Consideration of the sum of Thirty dollars to him in hand paid by the said Jehu Collier the receipt whereof is hereby acknowledged hath granted bargained and sold and by these presents doth grant bargain and sell unto the said Jehu Collier his heirs and assigns a certain tract or parcel of land lying and being in Lee County Wild Cat Valley & bounded as follows:- Beginning at a white oak Jehu Colliers Corner thence S31 E132 poles to a white oak and poplar thence S33 W50 poles to a stake in John Pendletons line and with said line N32 W102 poles to a white oak corner to said Pendletons and Prestons land and with Prestons line N11 E42 poles to a stake thence N41 W68 poles to a stake in Preston land. thence N57 E35 poles to the Beginning with the appurtenances Containing seventy acres To have and To hold the said tract or parcel of land with all its appurtenances thereto belonging

to him the said John Collier for the benefit and behalf in simple and the said Dale C Legg for his heirs doth covenant promise and agree to and with the said John Collier his heirs and assigns the title to the above tract or parcel of land, he and they will warrant and forever defend against himself the title.

In witness whereof the said Dale C Legg hath hereunto set his hand and seal the day and year above written

Dale C. Legg

Lee County to wit:-

I, Joseph A Jones a Justice of the County of Lee do hereby certify that Dale C. Legg party of the within instrument of writing hath duly acknowledged the same before me on the 20th day of November 1874. And desired me to certify the said acknowledgement to the Clerk of the said County of Lee in order that the said instrument may be recorded as witness my hand and seal this 20th of Nov. 1874.

Joseph A. Jones J.P.

Virginia Lee County Court Clerks Office
the 22nd day of Aug 1876. The foregoing
Deed from Dale C. Legg of the one part
and Jabez Collier of the other part, all of
the County of Lee and State of Virginia
was admitted to record upon the certificate
of Joseph A. Jones, a Justice of the Peace
in and for Lee County Virginia.

Teste R. W. Orr Jr D.C.

A copy of records.

Teste John R. Gibson Clk

1874

John Collier
From Copy of Deed
Daly C. Legg
Recorded in Deed
Book No 17 Page 573
John R. Gibson
C.C.M.

This deed is excepted to as evidence because not under seal, and because not properly acknowledged, the Justice in his certificate does not show in what state he acts. He is therefore not a legal officer for any purpose. Oct 23rd 1893.
J.M. Orr. for Plff

"Y."

See the 100 acres in the copy of the record marked No. 12.

Know all men by these presents that we Wm. D. Jones and J. P. Kane are held and firmly bound unto the Commonwealth of Virginia in the sum of Three Hundred Dollars and for the prompt payment thereof we each bind ourselves heirs &c and we as to this Bond waive our Homestead exemption witness our hands and seals this February 10th 1888.

The Condition of the above bond is such that whereas the above bound W. D. Jones obtained an injunction from the County Court of Lee County, restraining Jasper Collier John, Collier Jr. and James E. Scott from selling, cutting or removing any timber or saw logs from the two tracts or either of them as mentioned & described in the Bill, or from committing any other waste upon said lands.

Now therefore should the above bound parties or any one for them pay all damages which may be sustained by any person therein named, and

all costs which may be awarded against them and the cost which have accrued or may hereafter accrue to the officers of this Court thereon this obligation to be void, otherwise to remain in full force and virtue

W. D. Jones (Seal)
Per Gw & Swing atty
J. F. Kane (Seal)
" "

W. D. Jones
vs
Barber & Ballinger et al

Filed Feby 10 1888.
J. A. Lightfoot C.C.

Know all men by these presents that we Wm. P. Duff and James W. Orr — are firmly bound unto the Commonwealth of Virginia in the fell sum of Four Hundred Dollars, and for the prompt payment thereof well and truly to be made unto the said Cwlth, we each bind ourselves heirs &c and we as to this bond each waive our homestead exemptions witness our hands and seals this 7th day of December 1888.

The Condition of the above obligation is such that whereas the above bound Wm. P. Duff was appointed a Receiver in the Chy Cause of Wm. D. Jones vs Jasper Collin et al now pending in the Circuit Court for Lee County, ~~was~~, by a decree entered therein on the 6th Decr 1888, ~~appd~~ therein directed to take charge of and sell the poplar saw logs mentioned in said decree & cause. Now therefore should the said Wm. P. Duff faithfully perform the duties assigned him and properly account for

all sums of money he may receive as such Receiver, then this obligation to be void otherwise to remain in full force and virtue.

Wm P. Duff (Seal)
James W Orr. (Seal)

Wm P. Duff
Receiver
Bond
vs
Jasper Collins et al

Filed Dec. 4 1888.
J. A. Hyatt Clk

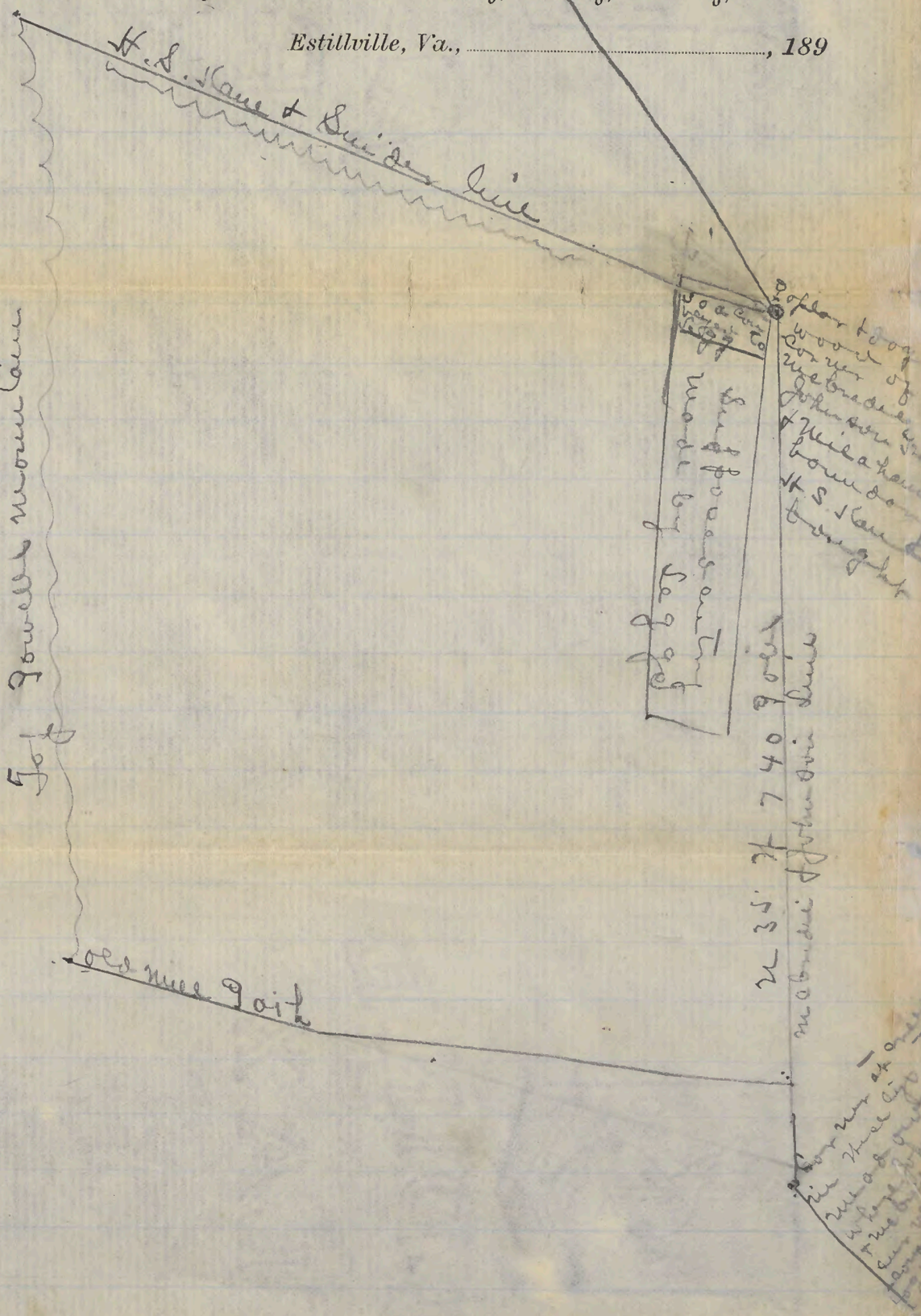
M. T. HASH, President and General Manager, I. P. KANE, Secretary and Treasurer.

Estillville Planing Mill Company,

Builders and Contractors, Manufacturers and Dealers in Poplar and Ash Lumber, Sash,

Doors, Frames, Mouldings, Brackets, Flooring, Siding, Ceiling, &c.

Estillville, Va., ..., *189*


W. S. Kane & Builders line
Fort Powell Mountain
Old mill Point
McBride & Arthur line
Lot 50 ft
Lot 50 ft
Lot 50 ft

125

This is not evidence
for any purpose
D & S attys

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon Jasper Collier
John Collier Jr. and James C. Scott

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in March next, being rule day to answer a bill in Chancery exhibited in our said Court against them by W. D. Jones
Citizen of Philadelphia Pa

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.
This 10 day of February 1888, in the 112 year of the Commonwealth.

J. A. G. Hyatt *Clerk.*

A Copy Teste

The object of this suit is —
To enjoin and inhibit the defendants from selling, cutting or removing any timber or saw logs from the two tracts of land mentioned in the Bill, or from committing waste upon said lands — Bond with good security having been executed in accordance with the order of the Court the Injunction is in full force

J. A. L. Hyatt c.c.

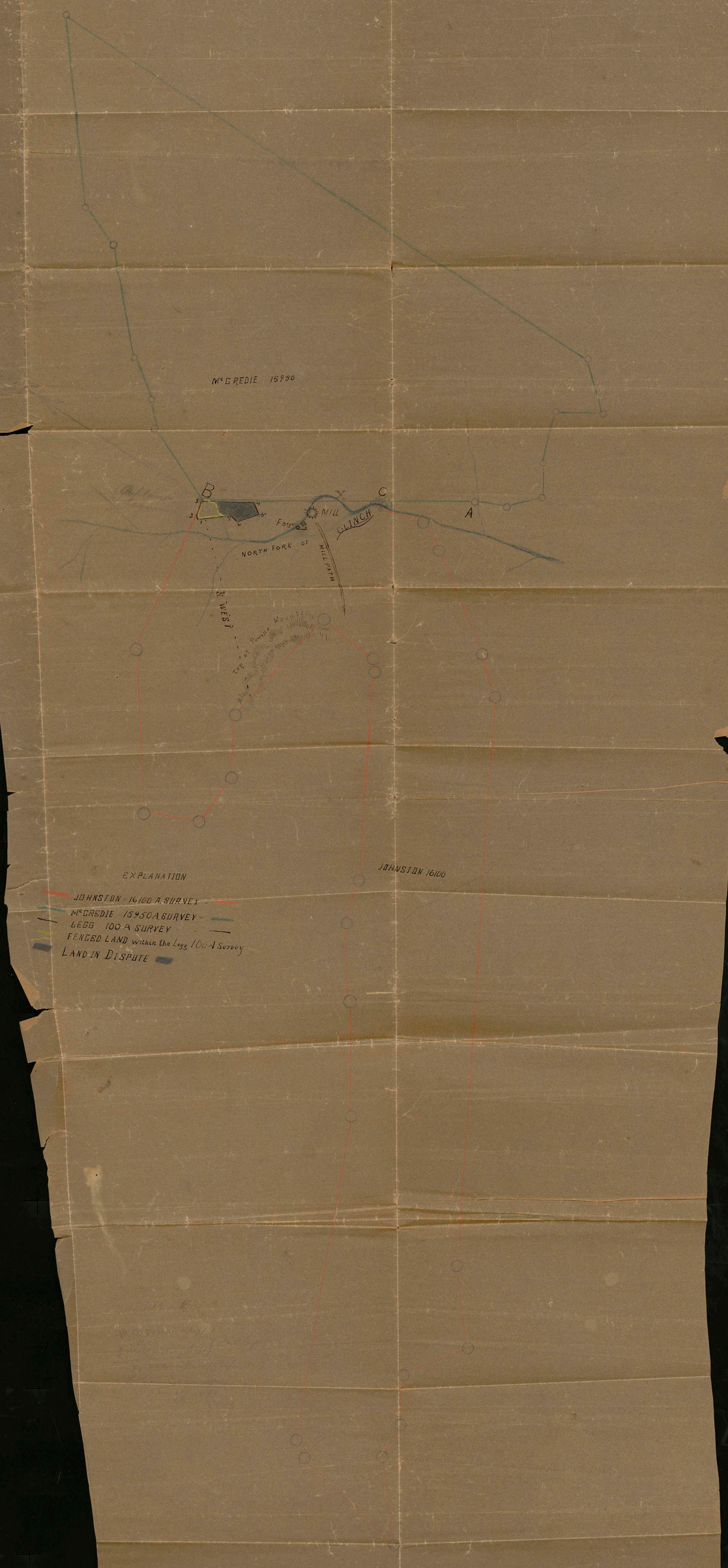
Filed in Jasper Circuit Court 18th day of March 1888

W. O. Jones
vs
Spa in Clay
Jasper Calliesotal

To March Rules 1888

Corrected
February 18th 1888
R. S. Delaney, J.C.C.

Filed in Jasper Circuit Court
February 18th 1888


McCREDIE 15950
B
C
A
MILL
CLINCH
NORTH FORK of
MILL PATH
EXPLANATION
JOHNSTON 16100 A. SURVEY
McCREDIE 15950 A SURVEY
LEGG 100 A SURVEY
FENCED LAND within the Legg 100 A Survey
LAND IN DISPUTE
JOHNSTON 16100